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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Christopher Fromkin,)

No. 10-CV-8014-PCT-PGR

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Plaintiff,)

vs.)

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ORDER

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Indymac Bank FSB, a Federally Chartered)

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Savings Bank, Mortgage Electronic)

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Registration Systems, Inc., a Delaware)

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corporation, OneWest Bank FSB, a)

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Federally Chartered Savings Bank, Quality)

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Loan Services, Inc., Trustee, a California)

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Corporation, IMB REO, LLC, a Delaware)

limited liability company, John Does I-X;)

Jane Does I-X; ABC Corporations)

I-X;CDF Partnerships I-X and XYZ)

Investors IX.,)

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Defendants.)

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Currently before the Court is Plaintiff's Motion for Extension of Time or to Amend

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Complaint. (Doc. 15.) Plaintiff filed his Complaint on January 22, 2010. He filed the

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pending motion on February 11, 2010. According to the Federal Rules of Civil Procedure,

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a party may amend its pleading once as a matter of course within 21 days after serving it, or

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if the pleading is one to which a responsive pleading is required, 21 days after service of a

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responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f),

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whichever is earlier. Fed.R.Civ.P. 15 (a)(1). In the case *sub judice*, Plaintiff filed a Motion

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to Amend his Complaint within 21 days after service of Defendants' Rule 12(b) Motion to

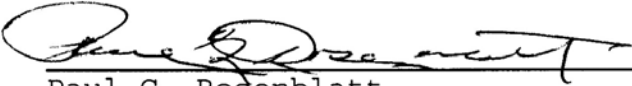
Dismiss. Accordingly, he could have, as a matter of course, amended his Complaint.

1 However, Plaintiff failed to lodge a proposed Complaint as required by the Local Rules.
2 Despite this failure to comply with the Rules, the Court will permit Plaintiff to amend his
3 Complaint. The Court cautions Plaintiff that any further failure to comply with the Local or
4 Federal Rules of Civil Procedure may result in sanctions or dismissal.¹

5 IT IS HEREBY ORDERED GRANTING Plaintiff's Motion to Amend his Complaint.
6 (Doc. 15.) Plaintiff shall file an Amended Complaint in accordance with the Federal Rules
7 of Civil Procedure and the Local Rules of this Court **no later than Friday, March 12, 2010.**

8 IT IS FURTHER ORDERED that in light of the foregoing, Defendants' Motion to
9 Dismiss is DENIED without Prejudice. (Doc. 13.)

10 DATED this 1st day of March, 2010.

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14 Paul G. Rosenblatt
15 United States District Judge
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22 ¹ Plaintiff's counsel is advised to review the Local Rules of this Court, as well as the
23 Federal Rules of Civil Procedure. In particular, counsel should pay close attention to what
24 is necessary in filing an Amended Complaint. Furthermore, counsel is reminded that this
25 Court is bound by Ninth Circuit law, the law of the United States Supreme Court, and when
26 it comes to substantive state law issues, the law of the State of Arizona. Therefore, unless
27 relevant authority in the aforementioned jurisdictions does not exist, counsel is advised to
cease citing law from other circuits and states, as it will not assist in the resolution of the
pending matter.