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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Nature Picture Library Limited,

No. CV-24-00393-TUC-CKJ

10 Plaintiff,

ORDER

11 v.

12 Susan M Steinmann PLLC, et al.,

13 Defendants.
14

15 Plaintiff filed this action on August 8, 2024. Plaintiff, the Nature Picture Library
16 Limited, specializes in nature photography, and sues Defendants, a real estate business, for
17 alleged copyright infringement in violation of federal copyright laws. (Complaint (Doc. 1)
18 (citing 17 U.S.C. § 411(a), 17 U.S.C. § 1202(b)). Plaintiff alleges Defendants used
19 copyright protected work on her website Realtor.com page without permission, copied and
20 distributed the work for the purpose of advertising Defendants' business, and resized,
21 added additional images to the protected work, and removed copyright management
22 information from the copyright protected work.

23 On October 4, 2024, Defendants filed an Answer. On October 16, 2024, the Plaintiff
24 filed a Motion to Amend the Complaint to add essential facts inadvertently omitted by prior
25 counsel to ensure Plaintiff's recovery on all damages. Plaintiff also adds a second count
26 for clarification and consistency with allegations related to the removal of copyright
27 management information. Defendants do not object to the amendment.
28

1 Plaintiff has also filed a Motion to Strike Defendants' affirmative defenses raised in
2 the Answer. Defendants respond that motions to strike are disfavored as a drastic remedy
3 that is often used as a delaying tactic. The Response reflects that a motion to strike might
4 be granted where an affirmative defense could have no possible bearing on the subject
5 matter of the litigation but otherwise, generally, it is not granted absent a showing of
6 prejudice by the moving party. (Response (Doc. 18) at 2-3 (citations omitted)).

7 As the Plaintiff is filing, without objection from Defendants, an Amended
8 Complaint, Defendants shall be filing an Amended Answer. The Court finds the Motion to
9 Strike is moot.

10 Under Federal Rule Civil Procedure 16(a)(2), "[t]he Judge must issue the scheduling
11 order as soon as practicable, but unless the Judge finds good cause for delay, the Judge
12 must issue it within the earlier of 90 days after any defendant has been served with the
13 complaint or 60 days after any defendant has appeared." Therefore, simultaneously, with
14 this Order the Court will issue an order requiring the parties to hold a scheduling conference
15 under Fed. R. Civ. P. 26(f) and appear at a Rule 16 case management scheduling
16 conference.

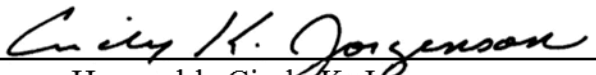
17 **Accordingly,**

18 **IT IS ORDERED** that the Motion for Leave to File First Amended Complaint
19 (Doc. 14) is GRANTED.

20 **IT IS FURTHER ORDERED** that within seven days of the filing date of this
21 Order, the Plaintiff shall file the First Amended Complaint.

22 **IT IS FURTHER ORDERED** that the Motion to Strike Affirmative Defenses
23 (Doc. 16) is DENIED AS MOOT.

24 Dated this 25th day of November, 2024.

25
26 
27 Honorable Cindy K. Jorgenson
28 United States District Judge