

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY**

PLAINTIFF

v.

CASE NO. 3:09-CV-00102 BSM

**GREENE COUNTY ABSTRACT &
TITLE COMPANY, LLC, MARY WILLIAMS,
individually, BLAKE WILLIAMS, individually,
BLAMAR INVESTMENTS, LLC, and
WILLIAMS IRRIGATION SERVICES, LLC**

DEFENDANTS

ORDER

Before the court are (1) plaintiff Old Republic National Title Insurance Company's (Old Republic) motion for leave to conduct expedited depositions (Doc. No. 20); (2) defendants Blake Williams' (Williams) and Williams Irrigation Services' (Irrigation) motions to dismiss (Doc. No. 22 and 23); and (3) Old Republic's motion for leave to file a second amended complaint (Doc. No. 34). For the reasons stated below, Old Republic's motion for leave to conduct expedited depositions is granted, all motions to dismiss are denied as moot, and Old Republic's motion to file a second amended complaint is granted.

Defendants Williams, Irrigation, and Greene County Abstract & Title Company (Greene) have filed responses (Doc. Nos. 31, 32, 33) to Old Republic's motion for leave to conduct expedited depositions. They argue that Old Republic has not pled sufficiently to suggest the need to conduct depositions early. Defendant's response to motion for leave to conduct expedited depositions, ¶ 7. Plaintiff replies (Doc. No. 37) that it only seeks to immediately conduct depositions that "unquestionably will be permitted later," for the

purposes of tracing funds allegedly improperly disbursed by Greene, preventing further losses, and discovering whether others were involved in the alleged conspiracy. Plaintiff's reply to defendant's responses, ¶ 1.

The motion for expedited depositions is granted because Old Republic, by its proposed second amended complaint (Doc. No. 34, Ex. 1), has shown sufficient cause for leave to conduct expedited depositions. A motion to amend a complaint "render[s] moot" any pending motions to dismiss on the previous complaint. *Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952 (8th Cir. 2002). Because Old Republic has filed a motion to amend (Doc. No. 34) its previous amended complaint (Doc. No. 12), defendants' motions to dismiss are thus moot and denied as such.

Plaintiff's motion to file a second amended complaint is granted.

IT IS SO ORDERED this 8th day of September, 2009.


UNITED STATES DISTRICT JUDGE