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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**ST VENTURES, a Utah Corporation, and
WORLDWIDE INVESTMENT, INC, a
California Corporation,**

Plaintiffs,

v.

BEN M. PENFIELD, an individual, et al.,

Defendants.

1:12-cv-01058 LJO SMS

**MEMORANDUM DECISION AND
ORDER RE: DEFENDANT BROWN
BROTHERS HARRIMAN & CO.'S
MOTION TO STRIKE (Doc. 98)**

12 Defendant Brown Brothers Harriman & Co (BBH) moves to strike Plaintiffs' First Amended
13 Verified Complaint (FVAC), Doc. 87, on the basis that it did not conform to the Court's Order, Doc. 86,
14 granting Plaintiffs leave to file an amended complaint. Mem. of Points and Authorities In Supp. Of Mot.
15 to Dismiss (Def.'s Mem.), Doc. 98., 8-10. Defendant also moves this Court to dismiss Plaintiffs' Claims
16 against BBH pursuant to Rule 12(b)(6), *Id.* at 10-14, or in the alternative, for a more definite statement
17 under Rule 8, *Id.* at 14-16.

18 Plaintiffs concede that the FVAC does not comply with the Order granting it leave to amend, and
19 thus does not oppose BBH's Motion to Strike unauthorized portions of the FAC. Decl. of Douglas R.
20 Dollinger in Resp. to Mot. to Dismiss, Doc. 105-1. Plaintiffs also concede that the FVAC is defective in
21 other respects identified by BBH and alerts the Court to their intention to file a request for leave to
22 amend. *Id.* As of the time of this Order, the Court has received no such request from Plaintiffs.

23 Having reviewed the papers filed thus far in connection with this motion, the Court believes the
24 issues are presented clearly in the papers and that oral argument will not be necessary. *See* Local Rule
25 230(g). Therefore, the hearing on this motion, currently set for December 18,2014, is VACATED.
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1 In the interest of party and judicial economy, and given that Plaintiffs admit that the FVAC is
2 defective, the Court GRANTS Defendant's Motion to Strike. Plaintiffs are granted leave to amend their
3 Complaint in a manner consistent with the Court's March 19, 2014 Order (Doc. 86).

4 **CONCLUSION AND ORDER**

5 The Court GRANTS Defendant's Motion to Strike, Doc. 98.

6 Plaintiff is granted LEAVE TO AMEND the Complaint in a manner consistent with the Court's
7 March 19, 2014 Order (Doc. 86).

8 Plaintiffs shall file any amended complaint within 30 days of this order. Plaintiff is cautioned
9 that this will be the last opportunity to amend. This court does not have the resources to review and write
10 extensive orders on how to write, rewrite and submit pleadings, nor to conduct a course in how to follow
11 Court orders.

12 No later than 20 days after service of any amended complaint, Defendants shall file a response
13 thereto.

14 The hearing on this motion, currently set for December 18, 2014, is VACATED.

15 **SO ORDERED**

16 **Dated: December 12, 2014**

17 /s/ Lawrence J. O'Neill
18 **United States District Judge**