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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiffs,
v.
MICHAEL J. DEMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

On June 1, 2017, the district judge in this action granted plaintiffs’ motion to amend the complaint, such that this action now proceeds on plaintiffs’ Second Amended Complaint (“SAC”), filed at ECF No. 225. The district judge also severed and remanded plaintiffs’ third cause action, for dissolution of partnership, to state court. (ECF No. 224.) On the same day, a summons issued directing defendants to answer the SAC. (ECF No. 226.)

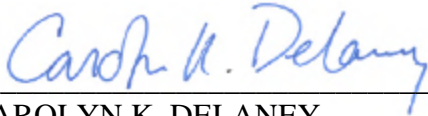
However, but for the remanded claim, the SAC is the same as the First Amended Complaint, filed October 15, 2015. (ECF No. 75; see ECF No. 195.) Thus, defendants’ Second Amended Answer and Counterclaims (ECF No. 104) is still applicable, and no further briefing on the SAC is warranted in this federal action.

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Accordingly, IT IS HEREBY ORDERED THAT the June 1, 2017 summons directing defendants to answer the Second Amended Complaint (ECF No. 226) is hereby VACATED.

Dated: June 6, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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