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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ROBERT TERRY, CREST
CORPORATION, and CREST
IRREVOCABLE BUSINESS TRUST,
dba FREEDOM MEDIA,

Plaintiffs,

CIV. NO. 2:16-00806 WBS AC
ORDER

v.

REGISTER TAPES UNLIMITED,
INC., EDWARD "DOUG" ENDSLEY,
ASHLEY MATE, and DOES 1-50,
inclusive,

Defendants.

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On April 26, 2016, defendants Edward "Doug" Endsley and Ashley Mate filed a motion to dismiss the seventh cause of action in plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Docket No. 5.) Plaintiffs filed a First Amended Complaint on May 13, 2016. (Docket No. 6.) Rule 15(a)(1) allows a party to "amend its pleading once as a matter

1 of course within: (A) 21 days after serving it, or (B) if the
2 pleading is one to which a responsive pleading is required, 21
3 days after service of a responsive pleading or 21 days after
4 service of a motion under Rule 12(b), (e), or (f), whichever is
5 earlier." Fed. R. Civ. P. 15(a)(1). Plaintiffs properly filed
6 their First Amended Complaint within 21 days after service of
7 defendants' motion to dismiss, thereby mooting defendants'
8 pending motion to dismiss.

9 IT IS THEREFORE ORDERED that defendants' motion to
10 dismiss be, and the same hereby is DENIED without prejudice as
11 moot.

12 Dated: June 14, 2016



13 WILLIAM B. SHUBB
14 UNITED STATES DISTRICT JUDGE
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