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UNITED STATES DISTRICT COURT

FERFINA GARCIA, individually  
and behalf of all others  
similarly situated

Plaintiff,

v.

GONE INC., and DOES 1-10,  
inclusive

Defendant.

CIV. NO. 2:17-00188 WBS AC

ORDER RE: MOTION TO DIMISS

At the hearing on defendant's Motion to Dismiss plaintiff's First Amended Complaint, counsel for plaintiff represented that the failure to include a violation of § 1692g in the First Amended Complaint was inadvertent. Although the court finds it difficult to understand how that claim could have been inadvertently omitted from the First Amended Complaint given that it was included in the initial Complaint, the court will give plaintiff leave to file a Second Amended Complaint for the limited purpose of adding that claim.

1 IT IS THEREFORE ORDERED that that plaintiff's First  
2 Amended Complaint is STRICKEN, and plaintiff is given 20 days  
3 from the date of this order to file a Second Amended Complaint  
4 consistent with this order.

5 Defendant's motion to dismiss the First Amended  
6 Complaint is moot. This Order is without prejudice to  
7 defendant's right to move to dismiss the Second Amended Complaint  
8 on any ground and to seek reasonable attorney's fees incurred in  
9 responding to plaintiff's First Amended Complaint.  
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11 Dated: October 3, 2017



12 **WILLIAM B. SHUBB**

13 **UNITED STATES DISTRICT JUDGE**  
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