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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINGLONG AMERICAS INC.,

Plaintiff,

v.

GET IT ON WHEELS, INC. (d/b/a
TIRE & WHEEL OUTLET) and DOES
1-5, inclusive,

Defendants.

Civ. No. 2:17-01378

ORDER RE: MOTION TO DISMISS AND
MOTION TO AMEND COUNTERCLAIM

Plaintiff Linglong Americas Inc. ("Linglong") brought this action against defendants Get it on Wheels, Inc. doing business as Tire & Wheels Outlet ("Tire Outlet") for damages arising from unpaid invoices for tires that Linglong delivered to Tire Outlet. (Compl. ¶¶ 11, 28 (Docket No. 1).) Before the court is plaintiff Linglong Americas Inc.'s Motion to dismiss defendant Tire Outlet's counterclaim for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) (Linglong's Mot. (Docket No. 17)) and Tire Outlet's Motion to file an amended counterclaim (Tire Outlet's Mot. (Docket No.

1 24).)

2 For the reasons discussed at the hearing held on
3 November 13, 2017, IT IS HEREBY ORDERED that Tire Outlet's Motion
4 to file an amended Counterclaim (Docket No. 24) is GRANTED.
5 Linglong's Motion to dismiss the initial Counterclaim (Docket No.
6 17) is DENIED as moot.
7

8 Tire Outlet's amended Counterclaim is deemed filed as
9 of November 13, 2017. On or before November 27, 2017, Linglong
10 may file a Motion to dismiss Tire Outlet's amended Counterclaim.
11 Any opposition shall be filed by December 8, 2017. Any reply
12 shall be filed by December 13, 2017. Linglong's Motion to
13 dismiss Tire Outlet's First Amended Counterclaim will be taken
14 under submission without oral argument at that time.
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17 Dated: November 14, 2017



18 **WILLIAM B. SHUBB**
19 **UNITED STATES DISTRICT JUDGE**
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