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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAREN TAYLOR, individually and on
 behalf of all others similarly situated, and
 PAULISA FIELDS,

No. C 13-04916 WHA

Plaintiffs,

v.

WEST MARINE PRODUCTS INC.,

**ORDER DENYING
 MOTION TO DISMISS AND TO
 STRIKE CLASS ALLEGATIONS
 AS MOOT**


Defendant.

On November 21, defendant submitted a motion to dismiss plaintiffs' class action
 complaint and to strike class allegations, pursuant to Federal Rules of Civil Procedure 12(b)(6)
 and 12(f), and 23(d). Under Civil Local Rule 7-3, plaintiffs' opposition to that motion was due
 on December 5. To date, no such opposition has been filed.

Nonetheless, plaintiffs submitted an amended complaint yesterday, pursuant to Federal
 Rule of Civil Procedure 15(a)(1)(B). Because this amended complaint was filed within 21 days
 after service of defendant's motion, plaintiffs have complied with the requirements of Rule
 15(a)(1)(B). Accordingly, defendant's motion is **DENIED AS MOOT**, without prejudice to
 defendant bringing a fresh motion to dismiss the amended complaint and to strike class
 allegations. No further amendments may be made to the amended complaint without seeking in
 advance leave of the Court to do so.

IT IS SO ORDERED.

Dated: December 13, 2013.



 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE