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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LESLEY KAPLAN,
Plaintiff,
v.
SETERUS, INC.,
Defendant.

Case No. [16-cv-02940-JCS](#)

**ORDER GRANTING MOTION FOR
MORE DEFINITE STATEMENT AND
DENYING AS MOOT MOTION TO
STRIKE**

Re: Dkt. Nos. 9, 11

Plaintiff Lesley Kaplan originally filed this action pro se in the small claims division of the California Superior Court for Contra Costa County. Defendant Seterus, Inc. removed to this Court, moved for a more definite statement, *see* dkt. 9, and also moved to strike portions of Kaplan’s complaint pursuant to California’s anti-SLAPP statute and sought attorneys’ fees for bringing that motion, *see* dkt. 11. Kaplan, now represented by counsel, has filed a statement of non-opposition to the motion for a more definite statement, stating that she will file a motion to amend her complaint “as promptly as possible.” *See* dkt. 18. Good cause showing, Seterus’s motion for a more definite statement is GRANTED.¹ Kaplan shall file an amended complaint **no later than July 26, 2016.**

Kaplan has also filed a substantive opposition to Seterus’s anti-SLAPP motion, including a cross-request for attorneys’ fees. *See* dkt. 14. The impending amendment of Kaplan’s complaint moots the primary request for relief of Seterus’s motion, i.e., the request to strike portions of the original complaint. The motion to strike is therefore DENIED without prejudice to any motion that may be appropriate in response to Kaplan’s forthcoming amended complaint. The Court declines to award attorneys’ fees to either party at this time.

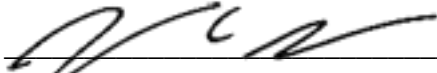
¹ The parties have consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c).

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The hearing set for July 29, 2016 on both motions addressed by this Order is hereby
VACATED. Going forward, both parties are encouraged to maintain open communication to
avoid unnecessary motions practice.

IT IS SO ORDERED.

Dated: July 5, 2016



JOSEPH C. SPERO
Chief Magistrate Judge