

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YAKOV REZNIK,
Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION,
Defendant.

Case No. 15-cv-02419-YGR


ORDER GRANTING MOTION TO DISMISS WITH LEAVE TO AMEND

Re: Dkt. No. 8

On June 8, 2015, defendant filed a motion to dismiss or, in the alternative, to strike the plaintiff’s complaint. (Dkt. No. 8.) In opposition thereto, the plaintiff acknowledged that he “could certainly add more facts if the Court deems that appropriate” and noted that his counsel was in the process of meeting and conferring with the defendant “regarding narrowing or eliminating entirely all issues raised by Defendants [sic] by way of an amendment to the Complaint to avoid unneeded motion practice before this Court.” (Dkt. No. 15 at 7, 11.)¹ In light of these apparent concessions by the plaintiff that at least some of the defendant’s arguments have merit, and his intention to attempt to remedy the purported insufficiencies such that “all issues” raised in the present motion might no longer be in dispute after a First Amended Complaint (“FAC”) is filed, the Court **GRANTS** the motion and **DISMISSES** the complaint **WITH LEAVE TO AMEND**. Plaintiff shall file an FAC within thirty (30) days of the date of this Order.

IT IS SO ORDERED.

Dated: July 10, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

¹ The Court has determined that the motion is appropriate for decision without oral argument, as permitted by Civil Local Rule 7-1(b) and Federal Rule of Civil Procedure 78. See also *Lake at Las Vegas Investors Group, Inc. v. Pacific Malibu Dev. Corp.*, 933 F.2d 724, 729 (9th Cir. 1991). Accordingly, the hearing set for July 14, 2015 is **VACATED**.