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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LINDA PERRYMENT,
Plaintiff,

v.

SKY CHEFS, INC.,
Defendant.

Case No. [16-cv-04015-KAW](#)

ORDER TERMINATING MOTION TO
DISMISS

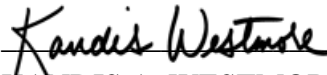
Dkt. No. 7

On July 21, 2016, Defendant Sky Chefs, Inc. filed a motion to dismiss Plaintiff Linda Perryment's initial complaint. (Dkt. No. 7.) On July 25, 2016, Plaintiff filed a motion for leave to file a first amended complaint, in which she attached the proposed amended complaint. (Dkt. No. 9.)

Under Federal Rule of Civil Procedure 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b). The Court will consider the motion for leave as the first amended complaint. Since it was filed fewer than 21 days after service of the 12(b)(6) motion, the Court TERMINATES the pending motion to dismiss, as the operative complaint is now the first amended complaint. Plaintiff shall immediately electronically file a copy of the first amended complaint as a new docket entry.

IT IS SO ORDERED.

Dated: July 26, 2016


KANDIS A. WESTMORE
United States Magistrate Judge