

1 vacated the hearing on the motions.

2 **ORDER**

3 Defendants' motions to dismiss are well-taken and are GRANTED WITH LEAVE TO
4 AMEND. Defendants assert that leave to amend is not warranted. The Court agrees that it
5 appears unlikely that Lee will be able to amend the complaint to state a viable claim, but it will
6 grant Lee one opportunity to attempt to do so before dismissing the action with prejudice. Any
7 amended pleading shall be filed within twenty (20) days after the date of this order.

8 Given the disposition of the motions to dismiss, the motion to strike is DENIED AS
9 MOOT.

10 The motion to expunge lis pendens is GRANTED without prejudice to the refile of lis
11 pendens in the event that Lee is able to state a viable claim for relief.

12 The Case Management Conference set for January 29, 2010 is CONTINUED to March
13 26, 2010 at 10:30 a.m.

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15 DATED: January 25, 2010

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JEREMY FOGEL
United States District Judge