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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE HYDROXYCUT MARKETING
AND SALES PRACTICES LITIGATION

CASE NO. 09MD2087-BTM (AJB)
NO. 10 CV673-BTM

DEBORAH RUTHERFORD, et al.,
Plaintiffs,

**ORDER REGARDING RESPONSE
TO PLAINTIFF'S MOTION FOR
LEAVE TO AMEND COMPLAINT**

vs.

MUSCLETECH RESEARCH AND
DEVELOPMENT, INC., et al.,
Defendants.

On April 30, 2010, defendants Muscletech Research and Development, Inc., Iovate Health Sciences U.S.A., Inc., Iovate Health Sciences Research, Inc., Iovate Health Sciences International, Inc. Iovate HC 2005 Formulations Ltd., and Wal-Mart Stores East, L.P. ("Defendants") filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), or in the alternative Fed. R. Civ. P. 9(b). On that same date, defendant GNC Corporation filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). The hearing on both motions is set for July 2, 2010.

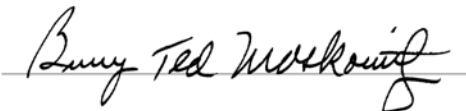
1 On June 18, 2010 (in 10cv673) and June 21, 2010 (in 09md2087), attorneys for plaintiffs
2 Deborah Rutherford, Dana Crawford, Michael Maggard, and Travis D. Horton ("Plaintiffs") filed
3 a Motion for Leave to Amend Complaint.

4 The Court hereby orders Defendants to file a response, if any, to Plaintiff's Motion for
5 Leave to Amend on or before **June 28, 2010**. Thereafter, the Motion for Leave to Amend shall
6 be deemed submitted for the Court's consideration on the papers without oral argument.

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IT IS SO ORDERED.

DATED: June 22, 2010


Honorable Barry Ted Moskowitz
United States District Judge