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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 WILLIAMS & COCHRANE, LLP,
12 Plaintiff,
13 v.
14 ROBERT ROSETTE; ROSETTE &
15 ASSOCIATES, PC; ROSETTE, LLP;
16 QUECHAN TRIBE OF THE FORT
17 YUMA INDIAN RESERVATION, a
18 federally-recognized Indian tribe; and
19 DOES 1 THROUGH 100,
Defendant.

Case No.: 17-CV-01436-GPC-MSB

**ORDER REJECTING PLAINTIFF'S
AMENDED MOTION FOR
JUDGMENT ON THE PLEADINGS**

[ECF No. 235]

20 Plaintiff Williams & Cochrane, LLP's ("Plaintiff") filed, without permission of the
21 Court, an amended motion for judgment on the pleadings on October 22, 2019. ECF No.
22 235. The original motion for judgment on the pleadings was filed on October 2, 2019.
23 ECF No. 227.

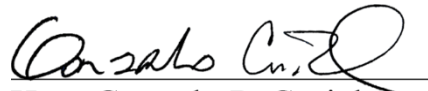
24 Pursuant to Federal Rule of Civil Procedure ("Rule") 15(a), "a party may amend its
25 pleading once as a matter of course at any time before a responsive pleading is filed."
26 Fed. R. Civ. P. 15(a). Rule 15(a) specifically provides that a party may amend a
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1 “pleading” and this term “must be interpreted in conjunction with Rule 7(a),” which
2 enumerates the pleadings permitted in federal practice as follows: a complaint, an answer
3 to the complaint, an answer to a counterclaim, an answer to a crossclaim, a third-party
4 complaint, an answer to a third-party complaint, and, pursuant to court order, a reply to
5 an answer. 6 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure*,
6 § 1475 (3d ed.). While Rule 15(a) applies to each of the aforementioned pleadings, its
7 application does not extend to motions. *See Albany Ins. Co. v. Almacenadora Somex*,
8 S.A., 5 F.3d 907, 911 (5th Cir. 1993).

9 Accordingly, Plaintiff’s amended motion for judgment on the pleadings is
10 **STRICKEN**. Plaintiff’s original motion for judgment on the pleadings, ECF No. 227,
11 remains the operative motion. The deadlines listed in the order setting the briefing
12 schedule on the original motion, ECF No. 229, remain operative. The hearing on this
13 matter shall remain scheduled for January 10, 2020 at 1:30 PM in Courtroom 2D.

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15 **IT IS SO ORDERED.**

16 Dated: November 13, 2019

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18 Hon. Gonzalo P. Curiel
19 United States District Judge
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