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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WELK RESORT GROUP, INC. et al.,
Plaintiffs,
v.
REED HEIN & ASSOCIATES, LLC, et
al.,
Defendants.

Case No.: 17cv1499-L(AGS)

**ORDER DENYING AS MOOT
MOTIONS TO DISMISS AND
STRIKE THE FIRST AMENDED
COMPLAINT**

In light of Plaintiffs' filing of the second amended complaint *in lieu* of opposing them, the motions to dismiss first amended complaint filed by Defendants Reed Hein & Associates, LLC ("Reed Hein"), Ken B. Privett, PLC and Schroeter Goldmark & Bender, P.S. ("Schroeter"), respectively, and motions to strike filed by Schroeter and Reed Hein (docs. 18, 19, 20 & 24), are hereby denied as moot. *See Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). To the extent any Defendant intends to raise an issue of prevailing party attorneys' fees arising from the fact that certain causes
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1 of action alleged in the first amended complaint are not re-alleged in the second amended
2 complaint, the issue shall be briefed in a Rule 54 motion for attorneys' fees, if any.

3 **IT IS SO ORDERED.**

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5 Dated: October 30, 2017

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7 Hon. M. James Lorenz
8 United States District Judge

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