

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 12-cv-00411-WYD-KLM

LANDIS EDWARDS, individually and on behalf of all others similarly situated,

Plaintiff,

v.

ZENIMAX MEDIA INC., a Delaware Corporation, and
BETHESDA SOFTWARE LLC, a Delaware Limited Liability Company,

Defendant.

ORDER

This matter is before the Court on Defendants' Motion to Dismiss and Incorporated Memorandum of Law [ECF No. 5], filed February 16, 2012. The Court has contemporaneously filed an order granting Defendants' Motion to Strike Plaintiff's Class Allegations and Incorporated Memorandum of Law, [ECF No. 16]. Since the class allegations of the complaint have been stricken, I have decided to deny the pending motion to dismiss without prejudice and allow the Defendants to re-file a new motion tailored to the remaining complaint allegations. Accordingly, it is

ORDERED that Defendants' Motion to Dismiss and Incorporated Memorandum of Law [ECF No. 5], filed February 16, 2012, is **DENIED WITHOUT PREJUDICE**. It is

FURTHER ORDERED that if the Defendants choose to re-file a motion to dismiss, such a motion must be filed **by Friday, October 26, 2012**.

Dated: September 25, 2012.

BY THE COURT:

s/ Wiley Y. Daniel _____
WILEY Y. DANIEL,
CHIEF UNITED STATES DISTRICT JUDGE