

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 12-cv-01900-CMA-BNB (Consolidated for all purposes with  
Civil Action No. 12-cv-02094-CMA-BNB)

SHANDON VALLEY TRANSPORT SOLUTIONS USA, LLC,  
a Colorado limited liability company, d/b/a SVTS GLOBAL,

Plaintiff/Counterclaim Defendant,

v.

DESIGN PALLETS, INC., a Florida corporation,  
DOUGLAS A. OLVEY, a Florida resident, and  
JAMES DANKO, a Florida resident,

Defendants/Counterclaim  
Plaintiff/Third-Party Plaintiff,

v.

ADAM M. PENER, a Missouri resident,  
COLIN D. CLARK, a Colorado resident, and

Third-Party Defendants.

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**ORDER TO AMEND PLEADINGS**

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This matter is before the Court *sua sponte*. On October 24, 2012, the Court consolidated Civil Action No. 12-cv-02094-REB with Civil Action No. 12-cv-01900-CMA-BNB. (Doc. # 59.) As it now stands, it is not clear which is the operative complaint in the Consolidated Action. The First Amended Complaint in Civil Action No. 12-cv-01900 was filed by Plaintiff Shandon Valley Transport Solutions USA, LLC (“Shandon Valley”). (See Doc. # 44 at 5-49.) In Civil Action No. 12-cv-02094, Defendant Design Pallets, Inc. (“Design Pallets”) filed the Verified Complaint. (See Doc. # 4.) Moreover, although

Design Pallets has filed Counterclaims and a Third-Party Complaint in Civil Action No. 12-cv-01900 (Doc. # 14), which are similar to its claims in Civil Action No. 12-cv-02094 (Doc. # 4), the claims are not identical. For example, while Design Pallets brought a patent infringement claim against Adam M. Pener and Colin D. Clark in Civil Action No. 12-cv-02094 (Doc. # 4 at 15), no similar claim exists in Civil Action No. 12-cv-01900 (see Doc. # 14 at 30-34).

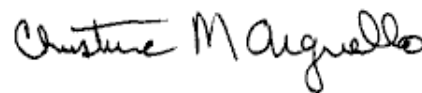
Accordingly, to streamline pretrial proceedings and to facilitate the Court's ability to rule on motions, it is hereby ORDERED that, within 30 days of this Order, Shandon Valley SHALL FILE a Second Amended Complaint. It is

FURTHER ORDERED that, within 30 days of being served with such Complaint, Design Pallets SHALL FILE an Amended Answer, Second Amended Counterclaims, and an Amended Third-Party Complaint. As such, it is

FURTHER ORDERED that: the Motion to Dismiss filed by Third-Party Defendants Adam M. Pener and Colin D. Clark (Doc. # 38) in Civil Action No. 12-cv-01900; Plaintiff Shandon Valley Transport Solutions' Motion to Partially Dismiss (Doc. # 45) filed in Civil Action No. 12-cv-01900; and Third-Party Defendant Adam M. Pener's Motion to Dismiss (Doc. # 9) filed in Civil Action No. 12-cv-02094 are DENIED AS MOOT.

DATED: March 20, 2013

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge