

# In the United States Court of Federal Claims

No. 08-321 T

(Filed September 24, 2013)

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WASHINGTON MUTUAL, INC., \*  
as successor in interest of \*  
H. F. AHMANSON & CO. and \*  
SUBSIDIARIES, *et al.*, \*

*Plaintiffs,* \*

v. \*

THE UNITED STATES, \*

*Defendant.* \*

\*\*\*\*\*

## ORDER

On September 17, 2013, pursuant to Rule 15(a)(2) of the Rules of the United States Court of Federal Claims (RCFC), plaintiffs filed a Consented Motion to Amend Complaint in this matter. Plaintiff's original complaint was filed April 30, 2008 and defendant's answer was filed on December 18, 2008. RCFC 15(a)(2) states that a party may amend a pleading with the opposing parties written consent or by leave of the court. Accordingly, plaintiffs' motion shall be granted. Defendant shall file the government's answer to plaintiffs' first amended complaint in accordance with the court's rules and this order.

Currently, Counts I and III of plaintiffs' original complaint are in discovery whereas Count II is suspended while the parties conduct settlement negotiations. The court's review of the amendments set forth in plaintiffs' first amended complaint does not indicate that the requested amendments would necessarily change the current posture of this case. Unless the parties notify the court otherwise, by filing a motion to amend, Counts I and III of the First Amended Complaint shall remain under the court's discovery scheduling order of September

3, 2013; and, Count II shall remain stayed and the parties shall comply with the court's scheduling order of September 17, 2013.

Accordingly, it is hereby **ORDERED** that

- (1) Plaintiffs' Consented Motion to Amend Complaint is **GRANTED**;
- (2) Plaintiff shall **FILE Plaintiffs' First Amended Complaint**, on or before **September 27, 2013**, as a separate docket entry in this matter;
- (3) Defendant shall **FILE** its **Answer** or otherwise respond to the amended complaint on or before **October 25, 2013**;
- (4) Count's I and III of Plaintiffs' First Amended Complaint shall continue in discovery and Count II of Plaintiffs' First Amended Complaint shall continue to be STAYED while the parties conduct settlement negotiations; and
- (5) The parties shall continue to **COMPLY** with the court's scheduling orders of September 3, 2013 (Counts I and III discovery schedule) and September 17, 2013 (Count II Joint Status Report scheduling order).

/s/Lynn J. Bush  
LYNN J. BUSH  
Judge