

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 13-20567-CIV-ROSENBAUM/HUNT

WINSTON WILFREDO SANCHEZ, and all
others similarly situated under 29 U.S.C. 216(B),

Plaintiff,

vs.

MALDONADO BROTHERS, INC., d/b/a Auto
Wax of South Florida, and BRINOLFO
MALDONADO,

Defendants.

ORDER ON MOTION TO AMEND


This matter is before the Court on Plaintiff's Motion Seeking Leave to File and Serve First Amended Complaint [D.E. 15]. Plaintiff seeks to amend his Complaint to add claims against Defendants under Florida state law. D.E. 15 at 1. Defendants oppose any amendment prior to consideration of its Motion to Dismiss [D.E. 13], filed on April 1, 2013.

Rule 15, Fed. R. Civ. P., provides that a party may amend a pleading "once as a matter of course" within twenty-one days of service of a motion under Rule 12(b). Plaintiff filed his Motion seeking leave to amend his Complaint, with the Amended Complaint attached as an exhibit, on April 10, 2013—within twenty-one days of Defendants' Motion to Dismiss under Rule 12(b)(6). Accordingly, Plaintiff is entitled to file his Amended Complaint as a matter of right.

Therefore, it is **ORDERED and ADJUDGED** that Plaintiff's Motion Seeking Leave to File and Serve First Amended Complaint [D.E. 15] is **GRANTED**. Plaintiff's First Amended Complaint shall be deemed filed as of April 10, 2013. In light of Plaintiff's Amended Complaint, Defendants'

Motion to Dismiss [D.E. 13] is **DENIED AS MOOT**. Defendants shall respond to Plaintiff's Amended Complaint no later than May 28, 2013.

DONE and ORDERED at Fort Lauderdale, Florida, this 10th day of May 2013.



ROBIN S. ROSENBAUM
UNITED STATES DISTRICT JUDGE

Copies:
The Honorable Patrick M. Hunt
Counsel of Record