IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EDGEFIELD HOLDINGS, LLC, et al., **Plaintiffs,** **v.** **ANNETTE MASON, et al.,** **Defendants.**	**1:15-cv-2481-WSD**

OPINION AND ORDER

This matter is before the Court on Defendants' Motion to Strike Plaintiff's Fourth Amended Complaint (the "FAC") for Failure to Comply with the Court's Orders [217] ("Motion to Strike").

On September 21, 2015, the Court entered an Order [75] (the "Scheduling Order") allowing Plaintiff Edgefield Holdings, LLC ("Plaintiff") until October 30, 2015, "to amend its Complaint to assert any additional claims or add parties to this action." Plaintiff filed its Third Amended Complaint [150] on October 30, 2015. On November 17, 2015, the Court entered an Order [194] (the "November 17th Order") requiring Plaintiff to amend its Complaint to add "information regarding the identity and citizenships of individuals or entities who

are the members of the LLCs, the LP, and MF Trust in order to determine whether the Court has jurisdiction over this action." (November 17th Order at 5).

On December 4, 2015, Plaintiff filed its FAC. In it, Plaintiff included the information requested in the Court's November 17th Order. Plaintiff also added nearly fifty pages of new claims and allegations, new causes of action, and two additional parties, among other additions. The Court's November 17th Order specified the information required by the Court, and did not grant Plaintiff leave to amend its Complaint beyond what the Court allowed. The Court also did not, in its November 17th Order, modify its Scheduling Order. Plaintiff's additions of allegations beyond those allowed by the Court's November 17th Order are in violation of the Court's Scheduling Order. Accordingly, Defendants' Motion to Strike is granted, and Plaintiff shall file, on or before January 13, 2016, a revised Fourth Amended Complaint containing the substantive allegations in its Third Amended Complaint, but with the jurisdictional allegations required by the Court's November 17th Order.[1]

On December 17, 2015, the Court granted the parties' joint motion for omnibus briefing. (December 17, 2015, Order [233]). The Court allowed

[1] Because the additional defendants included in Plaintiff's FAC are no longer parties to this action, they are not required to respond to Fed. R. Civ. P. 34 discovery.

Defendants to file one omnibus motion to dismiss Plaintiff's Fourth Amended Complaint. The Court ordered the omnibus motion to dismiss to be filed on or before January 8, 2016. An omnibus response was due on or before February 1, 2016, and an omnibus reply was due on or before February 15, 2016. In view of the Court granting Defendants' Motion to Strike, these dates for omnibus briefing are modified as follows: Defendants' omnibus motion to dismiss shall be filed on or before January 22, 2016. Plaintiff's omnibus response to Defendant's motion to dismiss shall be due February 15, 2016. Defendants' omnibus reply in support of their omnibus motion to dismiss shall be due on or before February 29, 2016.

Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that Defendants' Motion to Strike Plaintiff's Fourth Amended Complaint for Failure to Comply with the Court's Orders [217] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff shall file, on or before January 13, 2016, a revised Fourth Amended Complaint containing the substantive allegations in its Third Amended Complaint. Additional allegations are limited to the jurisdictional allegations required by the Court's November 17th Order.

IT IS FURTHER ORDERED that the deadlines contained in the Court's December 17, 2015, Order [233] are hereby modified as follows: Defendants' omnibus motion to dismiss shall be filed on or before January 22, 2016. Plaintiff's omnibus response to Defendants' motion to dismiss shall be filed on or before February 15, 2016. Defendants' omnibus reply in support of their omnibus motion to dismiss shall be due on or before February 29, 2016.

SO ORDERED this 11th day of January, 2016.

William S. Duffey

WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE