

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

RILEY HILL,

Plaintiff,

vs.

WESTERN IDAHO COMMUNITY ACTION
PARTNERSHIP, INC., an Idaho corporation,

Defendant

Case No CV-09-00217-REB

**MEMORANDUM DECISION AND
ORDER RE:**

**Plaintiff's Motion to Amend/Correct
to File Second Amended Complaint**

(Docket No. 10)

Currently before the Court is Plaintiff's Motion to Amend/Correct to File Second Amended Complaint (Docket No. 10). Having carefully reviewed the record and otherwise being fully advised, the Court enters the following Memorandum Decision and Order:

I. BACKGROUND

Plaintiff filed his Complaint on May 8, 2009. (Docket No. 1). On that same day, Plaintiff also amended his Complaint as a matter of course. (Docket No. 2).

On June 3, 2009, Defendant filed its Motion to Compel Binding Arbitration and to Dismiss or Stay Proceedings ("Motion to Compel"). (Docket No. 6). On June 16, 2009, Plaintiff filed his First Motion for Leave to File Second Amended Complaint. (Docket No. 10). Three days later, on June 19, 2009, Plaintiff opposed Defendant's Motion to Compel, arguing that his recent amendment efforts foreclosed the application of any relevant arbitration provision - the subject of Defendant's Motion to Compel. (Docket No. 11).

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On July 9, 2009, Defendant provided its Notice of Withdrawal of Motion to Compel, stating: "In light of Plaintiff's decision to drop in the Second Amended Complaint all claims directly based on the Valley One and Valley Two Partnership Agreements, Defendant is willing to withdraw its Motion to Compel. *See* p. 2 (Docket No. 12). Defendant's Motion to Compel was therefore withdrawn.

Also on July 9, 2009, Defendant not surprisingly issued its Non-Opposition to Plaintiff's Motion for Leave to File Second Amended Complaint. (Docket No. 13).

Given the circumstances referenced above, judicial efficiency, coupled with saved costs to the parties, combine to warrant the granting of Plaintiff's unopposed First Motion for Leave to File Second Amended Complaint (Docket No. 10).

II. ORDER

Based on the FOREGOING, it is hereby ORDERED that Plaintiff's unopposed First Motion for Leave to File Second Amended Complaint (Docket No. 10) is hereby GRANTED. Defendant is to respond to Plaintiff's Second Amended Complaint within the applicable time period outlined in the Federal Rules of Civil Procedure.



DATED: July 13, 2009

A handwritten signature in black ink, appearing to read "Ronald E. Bush".

Honorable Ronald E. Bush
U. S. Magistrate Judge