

**United States District Court, Northern District of Illinois**

<b>Name of Assigned Judge or Magistrate Judge</b>	Blanche M. Manning	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	07 C 3371	<b>DATE</b>	April 14, 2008
<b>CASE TITLE</b>	<i>Vulcan Golf LLC, et al. v. Google, et al.</i>		

**DOCKET ENTRY TEXT**

For the reasons stated below, the plaintiff's motion for leave to file a second amended complaint [148-1] is granted in part and denied in part. Plaintiffs shall file their third amended complaint without the declaratory judgment action count, but with no additional changes, no later than Friday, April 18, 2008. The defendants' motion to dismiss is due no later than May 2, 2008. The plaintiffs' response is due no later than May 16, 2008, and any reply is due no later than May 30, 2008. The plaintiffs' motions for leave to file their motion for preliminary injunctive relief and supplement and to conduct expedited limited discovery [150-1 and 152-1] are taken under advisement. The plaintiffs' reply is due no later than April 25, 2008. No appearance in this court is necessary on either motion on the noticed date of April 15, 2008. All discovery remains stayed pending this court's resolution of the plaintiffs' motion for leave to file preliminary injunctive relief.

■ [ For further details see text below.]

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**STATEMENT**

The following motions are before the court: (1) the plaintiffs' motion for leave to file their second amended complaint [148-1] and (2) the plaintiffs motions for leave to file their motion for preliminary injunctive relief and supplement and to conduct expedited limited discovery [150-1 and 152-1]. The defendants have also filed a response to the motions, which the court has reviewed.

The plaintiffs' motion for leave to file their second amended complaint is granted in part and denied in part. In its order of March 20, 2008, the court granted the defendants' motions to dismiss as to certain of the plaintiffs' causes of action and gave leave to the plaintiffs to replead within 21 days. The plaintiffs now seek to file a second amended complaint repleading certain of their previously dismissed claims and adding a RICO count under 18 U.S.C. § 1962(a). To the extent that the plaintiffs seek leave to refile their declaratory judgment count, the motion is denied. The court dismissed that count in its March 20, 2008, order and the plaintiffs indicate that they have made no changes to it. As a result, the motion for leave to amend as it relates to that count is denied. As to the other counts, given the liberal standard regarding amendments under Rule 15, the motion for leave to file a second amended complaint is granted. The defendants have indicated in their response that they will seek to dismiss the repled claims under Rule 12(b)(6). Their motion to dismiss is due by May 2, 2008. Any response is due by May 16, 2008, and any reply is due no later than May 30, 2008. The defendants shall make every effort to file a consolidated motion to dismiss. Any defendant wishing to file its own motion to dismiss must first seek leave of court specifying the exact reason that the issue cannot be raised in the joint motion to dismiss and the reason it is necessary to file an independent motion.

The plaintiffs' motion for leave to file their motion for preliminary injunctive relief and supplement and to conduct limited expedited discovery is taken under advisement. The plaintiffs shall file a reply to the defendants' response no later than April 25, 2008. The court will rule expeditiously. All discovery remains stayed pending this court's resolution of the plaintiffs' motion for leave to file a motion for preliminary injunctive relief.

RH/p