

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

COOPER MARKETING CONSULTING LLC,

Plaintiff,

v.

THE GERSON COMPANY,

Defendant.

Case No. 17-CV-2347-DDC-GLR

MEMORANDUM AND ORDER

Before the Court are four motions: Defendant's Motion to Stay Discovery (ECF 20), Plaintiff's Motion for Leave to File New Discovery Admissions in Opposition to Motion to Dismiss (ECF 23), Plaintiff's Motion to Amend Complaint (ECF 26), and Defendant's Unopposed Motion to Amend Scheduling Order (ECF 28).

By virtue of the Court's ruling denying the Motion to Dismiss (ECF 25), the Court finds both the Motion to Stay Discovery (ECF 20) and the Motion for Leave to File New Discovery Admissions in Opposition to Motion to Dismiss (ECF 23) as moot and otherwise denies them.

Although Plaintiff's Motion to Amend Complaint (ECF 26) did not include any statement on whether Defendant opposed the motion, Defendant included in its Motion to Amend Scheduling Order (ECF 28) that it does not oppose the motion. Defendant has yet to file an answer in light of the Court's denial of its Motion to Dismiss, and therefore will not be prejudiced by Plaintiff's proposed amendment. The Court therefore grants Plaintiff's Motion to Amend Complaint.

Finally, the Court also grants Defendant's Motion to Amend Scheduling Order (ECF 28). Plaintiff does not oppose the motion. Defendant is hereby granted an extension of time, up to and including January 26, 2018, in which to join additional parties.

IT IS THEREFORE ORDERED BY THE COURT that Defendant's Motion to Stay Discovery (ECF 20) and Plaintiff's Motion for Leave to File New Discovery Admissions in Opposition to Motion to Dismiss (ECF 23) are **denied as moot**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Amend Complaint (ECF 26) is **granted**. Plaintiff may serve and file its proposed amended complaint.

IT IS FURTHER ORDERED that Defendant's Motion to Amend Scheduling Order (ECF 28) is **granted**. Defendant shall join additional parties on or before January 26, 2018.

IT IS SO ORDERED.

Dated January 17, 2018, at Kansas City, Kansas.

S/ Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge