

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

JANGBIR SANGHA,)
)
Plaintiff,)
)
v.)
)
VOLKSWAGEN AG, et al.,)
)
Defendants.)

Case No. 17-2693

MEMORANDUM AND ORDER

This case is before the court on defendant Volkswagen Group of America, Inc’s Motion to Dismiss (Doc. 19). Plaintiff responded to the motion to dismiss and also filed a motion for leave to amend his complaint (Doc. 28) to address the issues raised in the motion to dismiss. Plaintiff claims that his request to amend his complaint is intended to remedy any deficiencies identified by defendant in its motion to dismiss.

Earlier in 2018, this case was conditionally transferred to the Southern District of Florida as a part of MDL proceedings. The case has only recently been conditionally transferred back to the District of Kansas, and is now in its early stages. There is not yet a scheduling order, and no answer has been filed. To promote efficiency and to avoid having the motion to dismiss intertwined with the motion to amend to a degree that complicates the procedural posture of the case unnecessarily, the court denies the motion to dismiss without prejudice and without considering the merits of the motion. After the motion to amend is resolved, defendant may file a new motion to dismiss with respect to the operative complaint, if appropriate. If the content of a new motion to dismiss is largely the same as the current motion to dismiss (to which plaintiff has already responded), defendant may so notify the court

and request expedited briefing. Defendant Volkswagen Group of America, Inc's Motion to Dismiss (Doc. 19) is hereby denied without prejudice.

IT IS THEREFORE ORDERED that Defendant Volkswagen Group of America, Inc's Motion to Dismiss (Doc. 19) is denied without prejudice.

Dated this 13th day of September, 2018, at Kansas City, Kansas.

/s/ Carlos Murguia

CARLOS MURGUIA
United States District Judge