

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VTP RIVER WOODS LLC, *et al.*,

Plaintiffs,

Case No. 24-cv-12646
Hon. Matthew F. Leitman

v.

CITY OF YPSILANTI,

Defendant.

**ORDER TERMINATING DEFENDANT'S
MOTION TO DISMISS (ECF No. 8) AS MOOT**

On October 7, 2024, Plaintiffs VTP River Woods LLC and VTP Arbor One LLC (collectively, "Plaintiffs") filed this civil-rights action against Defendant City of Ypsilanti (the "City"). (*See* Compl., ECF No. 1.) The City thereafter filed a motion to dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 8.)

On November 13, 2024, without expressing any view regarding the merits of the motion to dismiss, the Court issued an order granting Plaintiffs leave to file a First Amended Complaint in order to remedy the alleged deficiencies in their claims identified by the City in its motion to dismiss. (*See* Order, ECF No. 9.) The Court informed the parties that if Plaintiffs provided notice that they intended to file a First

Amended Complaint, the Court would terminate the City's motion to dismiss without prejudice. (*See id.*)

On November 25, 2024, Plaintiffs filed a Notice with the Court in which they informed the Court that they intend to file a First Amended Complaint. (*See Notice*, ECF No. 10.) In light of Plaintiffs' Notice, the Court **TERMINATES** the City's pending motion to dismiss (ECF No. 8) **AS MOOT**. The City may file a renewed motion to dismiss, directed at the First Amended Complaint, if appropriate, after that pleading is filed.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 26, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 26, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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