

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**SEP 26 2017**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

SETH KONECKY and JENNIFER  
KONECKY, husband and wife,  
FLATHEAD COUNTY DIST., INC., a  
Montana Corporation, individually,  
and on behalf of all others similarly  
situated,

Plaintiffs,

vs.

ALLSTATE FIRE & CAS. INS. CO.,  
ALLSTATE INDEM. CO.,  
ALLSTATE PROP. & CAS. INS. CO.,  
and ALLSTATE INS. CO.,

Defendants.

CV 17-10-M-DWM

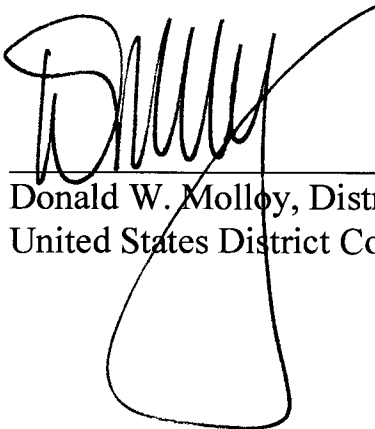
ORDER

On September 21, 2017, a preliminary pretrial conference was held in this matter, and a scheduling order issued setting October 12, 2017, as the deadline for amending pleadings. (Doc. 33.) On September 25, 2017, Plaintiffs filed an Amended Complaint. (Doc. 34.) Per discussion at the preliminary pretrial conference, and based on review of the amended pleading—which incorporates substantial changes—the Defendants’ Motion to Dismiss, (Doc. 20), is no longer applicable. Fed. R. Civ. P. 15(a)(2). Accordingly,

IT IS ORDERED that Defendants' Motion to Dismiss (Doc. 20) is DENIED as MOOT.

IT IS FURTHER ORDERED that Defendants shall have twenty-one (21) days from the date of this order to file a responsive pleading or Answer to the Amended Complaint. Fed. R. Civ. P. 15(a)(3).

DATED this 26<sup>th</sup> day of September, 2017.



---

Donald W. Molloy, District Judge  
United States District Court

