

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SJT DEVELOPMENT, INC., a Nevada)
Corporation, and SANDRA M.)
TRIANTAFILLOS,)
)
Plaintiffs,)

8:11CV179

v.)

RACHEL L. RIEGER, DAVID L.)
RIEGER, DEANA M. GUHDE, DAVID)
F. GUHDE, MATTHEW WILSON,)
ENDEAVOR DEVELOPMENT &)
INVESTMENT GROUP, INC., a Nevada)
Corporation, JOHN REYES, JEFFREY)
KINNICK, JAMES VEGA, JOHN DOES)
I-V, real names unknown, LEVEL ONE)
FINANCIAL, INC., a California)
Corporation, STAR CAPITAL)
CORPORATION, a Delaware)
Corporation, SILVER HILL)
FINANCIAL, LLC, a Delaware Limited)
Liability Company, WACHOVIA BANK,)
NA, JOHN L. BERNARD, IB)
PROPERTY HOLDINGS, LLC, a)
Delaware Limited Liability Company,)
RANDY BENNETT, and BAYVIEW)
LOAN SERVICING, LLC, a Delaware)
Limited Liability Company,)
)
Defendants.)

ORDER

On August 18, 2011, the court permitted Allan Eurek to withdraw as Plaintiffs' counsel in this case (filing 48). Plaintiffs were given until September 19, 2011, to obtain new counsel. Attorney David A. Domina has now entered an appearance on behalf of Plaintiffs.

Plaintiffs have filed a motion for leave to file an amended complaint and have requested that they be given time to prepare the proposed amended complaint ([filing 55](#)). In support of the motion, Plaintiffs represent that an amended complaint will greatly reduce the number of legal theories asserted and, in addition, is expected to eliminate all defendants, with the exception of the Riegers,

the Guhdes and Bernard Realty. Based on these representations, the court concludes that Plaintiffs should be given time to submit a proposed amended complaint.

Defendants IB Property Holdings, LLC and Matthew Wilson each have motions to dismiss pending before the court (filings [31](#), [42](#)). Plaintiffs were previously given until September 26, 2011, to submit responses to these motions. However, given the anticipated changes to this suit by the filing of an amended complaint, including the potential dismissal of Defendants IB Property Holdings, LLC and Matthew Wilson, the court concludes that Plaintiffs should not be ordered to respond to the motions to dismiss at this time. The court will, if necessary, set a new briefing schedule upon the filing of an amended complaint.

Accordingly,

IT IS ORDERED:

1. Plaintiffs' Motion for Leave to File Amended Complaint and for Time to Do So ([filing 55](#)) is granted, in part.
2. Plaintiffs shall file a proposed amended complaint, along with a motion for leave to file an amended complaint, on or before October 19, 2011.
3. The pending motions to dismiss are hereby held in abeyance until further order of the court. Accordingly, Plaintiffs are relieved from submitting responses to the motions to dismiss (filings [31](#), [42](#)) at this time. The court will, if necessary, set a new briefing schedule upon the filing of an amended complaint.

DATED September 22, 2011.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**