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11 IN THE UNITED STATES DISTRICT COURT
 12 DISTRICT OF NEVADA

13 WELTONIA HARRIS, individually and on
 14 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 U.S. PHYSICAL THERAPY, INC.,

18 Defendant.

CIVIL ACTION NO.
 2:10cv1508-JCM-LRL

**U.S. PHYSICAL THERAPY, INC.'S
 UNOPPOSED MOTION FOR LEAVE
 TO FILE FIRST AMENDED
 ORIGINAL ANSWER TO
 PLAINTIFF'S ORIGINAL CLASS
 ACTION COMPLAINT**

19 COMES NOW, Defendant U.S. PHYSICAL THERAPY, INC. ("USPT"), by counsel,
 20 and files this Unopposed Motion for Leave to file its First Amended Answer to Plaintiff's
 21 Original Class Action Complaint ("Complaint") and states as follows:

22 1. USPT filed its Original Answer to Plaintiff's Original Class Action Complaint on
 23 October 4, 2010. On or about October 18, 2010, Plaintiff advised USPT of her intent to file a
 24 motion to strike USPT's defenses alleged in its Original Answer. In an effort to resolve the issue
 25 without the need for this Court's intervention, USPT has agreed to amend its answer to eliminate
 26 some defenses it originally pled without waiving the right to assert additional defenses identified
 27 during discovery.
 28

1 2. USPT's Amended Answer to Plaintiff's Original Class Action Complaint is
2 attached to this motion as Exhibit A.

3 3. There is no Scheduling Order in place at this time. Because the Amended Answer
4 and this motion are timely, USPT requests that they be filed in the above referenced cause.

5 4. Plaintiff does not object to USPT amending its defenses, but reserves the right to
6 contest the defenses once filed and as discovery progresses.

7 WHEREFORE, Defendant USPT respectfully requests that this Court issue an Order
8 permitting it to file its First Amended Answer to Plaintiff's Original Class Action Complaint,
9 with the date of filing for the First Amended Answer being the date the Order is signed, and
10 grant all other relief to which USPT has shown itself entitled.

11 DATED: October 22, 2010

Respectfully submitted,
ALVERSON TAYLOR MORTENSEN & SANDERS

12
13  #9977
14 for JONATHAN B. OWENS

15 WAYNE B. MASON, ESQ., *pro hac vice to be submitted*
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Attorneys for Defendant, U.S. Physical Therapy, Inc.

20
21 IT IS SO ORDERED.

22 

23 UNITED STATES MAGISTRATE JUDGE

24 DATED: 10-26-10

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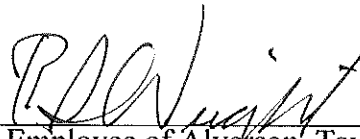
CERTIFICATE OF SERVICE

I certify that I am an employee of ALVERSON, TAYLOR, MORTENSEN & SANDERS, and that on October 22, 2010, I deposited for mailing at Las Vegas, Nevada, a true and correct copy of the foregoing **U.S. PHYSICAL THERAPY, INC.'S UNOPPOSED MOTION FOR LEAVE TO FILE FIRST AMENDED ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL CLASS ACTION COMPLAINT**, in a sealed envelope with the correct postage prepaid thereon, addressed as follows:

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