

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 M. Paul Weinstein,
5 Plaintiff
6 v.
7 Meritor, Inc.,
8 Defendant

2:16-cv-01076-JAD-VCF

**Order Granting Leave to Amend and
Denying Motion to Dismiss as Moot**

[ECF No. 10, 11, 13, 15]

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10 Plaintiff M. Paul Weinstein sues Meritor, Inc. for allegedly renegeing on an agreement to
11 purchase an anti-corrosion coating product. After Meritor moved for judgment on the pleadings,¹
12 Weinstein moved for leave to file a supplemental complaint² and then filed a “consented Motion
13 for Leave to File an Amended Complaint” in which he represents that Meritor’s counsel “does
14 not object to Plaintiff’s Motion for Leave to file his Amended Complaint.”³ Because Weinstein’s
15 request to file an amended complaint was made within the window for seeking leave,⁴ and as
16 there is no objection and good cause appears,

17 IT IS HEREBY ORDERED that Plaintiff’s Amended Motion to File Amended
18 Complaint [ECF No. 15] is **GRANTED**. **Plaintiff must file the proposed amended complaint**
19 **attached at ECF No. 15 as pages 4–23 by January 16, 2017. When filing, plaintiff must**
20 **change the title of the document to “First Amended Complaint.”**⁵

21 IT IS FURTHER ORDERED that the Motion for Judgment [ECF No. 10] and the
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23 ¹ ECF No. 10.

24 ² ECF No. 13.

25 ³ ECF No. 14 (original motion); ECF No. 15 (amended motion).

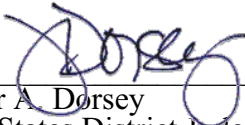
26 ⁴ ECF No. 8 at 1.

27 ⁵ This title should also be reflected in the opening “Comes now” line of the document.
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1 Stipulation for Extension of Time to respond to that motion [ECF No. 11] are DENIED as moot
2 and without prejudice to the filing of a motion to dismiss the amended complaint.

3 IT IS FURTHER ORDERED that the Countermotion for Leave to File Supplemental
4 Complaint [ECF No. 13] is DENIED as moot.

5 DATED: January 4, 2017.

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9 Jennifer A. Dorsey
10 United States District Judge
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