

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DACE *et al.*,

Plaintiffs,

vs.

TD BANK/TARGET,

Defendant.

Case No.: 2:23-cv-01806-GMN-DJA

**ORDER**

Pending before the Court is the Second Motion to Dismiss (ECF No. 15), filed by TD Bank/Target (“Defendant”). Magistrate Judge Albregts filed a Report and Recommendation (“R&R”) (ECF No. 13) which recommended GRANTING Defendants’ First Motion to Dismiss, (ECF No. 6), and dismissing Plaintiffs’ Complaint, (ECF No. 16), without prejudice and with leave to amend. Plaintiffs failed to object to the R&R by the objection deadline of April 24, 2024. On April 26, 2024, this Court adopted the R&R and gave Plaintiffs 21 days to file an amended complaint. (*See* Order, ECF No. 13). Plaintiffs did not file an amended complaint by the deadline. On August 21, 2024, Defendant filed the pending Motion requesting the case be dismissed with prejudice for Plaintiffs’ failure to file an amended complaint. Plaintiffs did not file a response to the pending Motion.

It appears that the filings in this matter are being sent to Plaintiffs at the address listed on the docket: 6255 West Arby Avenue #184, Las Vegas, NV 89118. However, Plaintiff lists a different address on their Answer to Defendant’s First Motion to Dismiss (ECF No. 11): 7320 S. Rainbow Blvd. Ste 102 #184, Las Vegas, NV 89139. Accordingly, the Court is unsure whether Plaintiff has been receiving the filings in this matter.

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1           **IT IS HEREBY ORDERED** that the ruling on Defendant’s Motion to Dismiss this case  
2 with prejudice is **DEFERRED**.


3           **IT IS FURTHER ORDERED** that Plaintiffs shall have until November 11, 2024, to file  
4 a response to the pending Motion to Dismiss (ECF No. 15). Plaintiffs must also update the  
5 address on the docket if the Arby Avenue address is no longer current.

6           The Clerk of Court is kindly directed to mail a copy of this Order along with ECF Nos.  
7 13–16 to Plaintiffs at the following address:

8 Philip and Luba Dace  
9 7320 S. Rainbow Blvd. Ste 102 #184  
10 Las Vegas, Nevada 89139

11           The Clerk of Court is also kindly directed to email this Order along with ECF Nos. 13–  
12 15 to the following email addresses: [Philip.dace@gmail.com](mailto:Philip.dace@gmail.com) and [dacefamilytrust@gmail.com](mailto:dacefamilytrust@gmail.com).

13           Dated this 24 day of October, 2024.

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17 Gloria M. Navarro, District Judge  
18 United States District Court  
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