

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Elena Katz et al.

v.

Civil No. 10-cv-410-JL

Brian McVeigh et al.

**PROCEDURAL ORDER**

The plaintiffs' motion to amend (document no. 38) is GRANTED without prejudice to the futility arguments raised in the defendants' objections. The motions to dismiss (document nos. 31 and 40) are DENIED without prejudice to raising those arguments, and any additional ones, in refiled motions to dismiss directed at the amended complaint.

Finally, in light of the fact that the amended complaint names a number of additional defendants, the preliminary pretrial conference in this matter, scheduled for April 20, 2011, is CANCELED. The plaintiffs shall file a single objection to all motions to dismiss the amended complaint by, as the case may be, either (a) 14 days of the filing of the last such motion, if the plaintiffs have filed proof of service on all defendants named in the amended complaint by that point, or (b) 130 days from the date of this order, if the defendants have not filed proof of service against all defendants by that point. Nothing in this order enlarges the time in which the plaintiffs are required to

serve any of the defendants. The plaintiffs' omnibus objection shall not exceed 40 pages in length. Any reply to the plaintiffs' omnibus objection shall not exceed 5 pages in length and shall be filed within 10 days of the filing of the objection. No surreply shall be permitted. Following the court's ruling on any motions to dismiss, the preliminary pretrial conference will be rescheduled, if necessary.

**SO ORDERED.**



Joseph N. Laplante  
United States District Judge

Dated: April 14, 2011

cc: Francis J. McDonough, Jr., Esq.  
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