

**FILED  
CLERK**

11:20 am, Nov 14, 2018

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

-----X  
EDWARD KRANEPOOL,

Plaintiff,

**MEMORANDUM OF  
DECISION & ORDER**

-against-

2:18-cv-3724 (ADS)(AKT)

BECKETT AUCTIONS, LLC d/b/a GOODWIN  
& CO.,

Defendant.

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**APPEARANCES:**

**Harfenist Kraut & Perlstein, LLP**

*Counsel for the Plaintiff*

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Lake Success, NY 11042

By: Steven J. Harfenist, Esq., Of Counsel

**Law Offices of Charles A. Gruen**

*Co-Counsel for the Defendants*

7703 Fifth Avenue

Brooklyn, NY 11209

By: Charles A. Gruen, Esq., Of Counsel

**Condon Tobin Sladek Thornton, PLLC**

*Co-Counsel for the Defendants*

8080 Park Lane, Suite 700

Dallas, TX 75231

By: Kendal B. Reed, Esq., Of Counsel

**SPATT, District Judge.**

The Court assumes the parties' familiarity with the facts and procedural history of this action. Additional detail that is relevant to the instant motions is provided below. Presently before

the Court is a motion by the Defendant, pursuant to Federal Rule of Civil Procedure (“FED. R. CIV. P.” or “Rule”) 12(b)(6) to dismiss the Plaintiff’s entire complaint and a cross-motion by the Plaintiff, pursuant to Rule 15(a) to amend the complaint. The proposed amended complaint contains additional causes of action that are not addressed in the Defendant’s motion to dismiss. The Defendant has indicated that it does not oppose the Plaintiff’s motion to amend and prefers to re-file its motion to dismiss in response to the proposed amended complaint. Accordingly, it is hereby

**ORDERED** that the Plaintiff’s motion to amend the complaint is granted; and it is further

**ORDERED** that the Plaintiff file his proposed amended complaint within five (5) days of this Order; and it is further

**ORDERED** that the Defendant’s motion to dismiss is terminated as moot; and it is further

**ORDERED** that the Defendant respond to the Plaintiff’s amended complaint within twenty-eight (28) days of its filing.

**SO ORDERED**

Dated: Central Islip, New York  
November 14, 2018

*/s/ Arthur D. Spatt*  
ARTHUR D. SPATT  
United States District Judge