

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS LLC,

Plaintiff,

-v-

REDIGI INC., *et al.*,

Defendants.

DOC# 124-13  
ELECTRONICALLY FILED  
DOC #: 124-13  
DATE FILED: 9-19-13

No. 12 Civ. 95 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of parties' joint letter, dated September 16, 2013, advising the Court of the anticipated next steps in this action. The Court notes that Defendants John Ossenmacher and Larry Rudolph intend to move pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the amended complaint against them and request additional time to complete discovery in the event their anticipated motion is denied. The Court further notes that Plaintiff requests leave to file its motion for summary judgment by October 11, 2013 and opposes the Defendants' request for additional discovery time. Defendants Ossenmacher and Rudolph were added as Defendants to this action in the amended complaint dated August 30, 2013.

Accordingly, IT IS HEREBY ORDERED THAT Defendants John Ossenmacher and Larry Rudolph shall submit their motion(s) to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) no later than September 20, 2013; Plaintiff shall respond no later than October 4, 2013; and Defendants shall reply no later than October 18, 2013. Parties shall not file pre-motion letters in connection with this motion to dismiss.

IT IS FURTHER ORDERED THAT discovery will not be stayed pending resolution of the motion and that the parties shall jointly submit to the Court, no later than September 20, 2013, a

revised Scheduling Order and Case Management Plan that amends the existing discovery deadlines to allow for the completion of all discovery by November 8, 2013.

IT IS FURTHER ORDERED THAT Plaintiff shall not file its motion for summary judgment until the close of discovery and that any such motion shall be preceded by a pre-motion letter in conformity with Rule 2.A of the Court's Individual Practices.

SO ORDERED.

DATED: September 17, 2013  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE