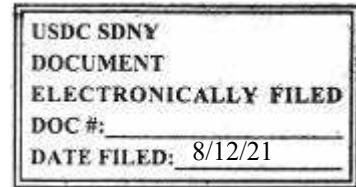


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Joseph Puddu, *et al.*,

Plaintiffs,

–v–

6D Global Technologies, Inc., *et al.*,

Defendants.

15-cv-8061 (AJN)

ORDER

Benjamin Wey,

Third-Party Plaintiff,

–v–

Adam Hartung and BDO USA, LLP,

Third-Party Defendants.

ALISON J. NATHAN, District Judge:

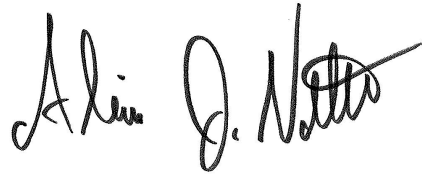
On August 11, 2021, Third-Party Defendants each filed a motion to dismiss. Pursuant to Rule 3.F. of this Court’s Individual Practices in Civil Cases, on or before August 24, 2021, Third-Party Plaintiff must notify the Court and its adversary in writing whether (1) it intends to file an amended pleading and when it will do so or (2) it will rely on the pleading being attacked. Third-Party Plaintiff is on notice that declining to amend its pleadings to timely respond to a fully briefed argument in the Third-Party Defendants’ August 11 motions to dismiss may well constitute a waiver of the Third-Party Plaintiff’s right to use the amendment process to cure any defects that have been made apparent by the Third-Party Defendants’ briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving “unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility”).

If Third-Party Plaintiff chooses to amend, Third-Party Defendants may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: August 12, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan". The signature is written in a cursive style with a long horizontal stroke extending to the right.

ALISON J. NATHAN
United States District Judge