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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN BEAUCHAMP, Plaintiff, -v.- THE POISONED PEN, A MYSTERY BOOKSTORE, LTD., Defendant.	24 Civ. 01430 (JHR) ORDER

JENNIFER H. REARDEN, District Judge:

On May 1, 2024, Defendant filed a motion to dismiss the Complaint under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Pursuant to Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a Rule 12(b) motion to amend the complaint once as of right.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **May 22, 2024**. In accordance with Rule 1.D of the Court's Individual Rules and Practices in Civil Cases, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the Complaint to address issues raised by the motion to dismiss.

If Plaintiff amend, then by three weeks after the amended complaint is filed, Defendant shall file (1) an answer, (2) a new motion to dismiss, or (3) a letter stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, any opposition shall be filed within 14 days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **May 22, 2024**. Defendant's reply, if any, shall be filed by **May 29, 2024**.

SO ORDERED.

Dated: May 9, 2024
New York, New York

Jennifer H. Rearden
JENNIFER H. REARDEN
United States District Judge

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