inContact, Inc. v. Tactical Digital Corporation et al Doc. 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INCONTACT, INC.,	:	
Plaintiff,	:	24-CV-2861 (JMF)
-v-	:	ORDER
TACTICAL DIGITAL CORPORATION et al.,	:	
Defendants.	:	

JESSE M. FURMAN, United States District Judge:

On June 4, 2024, Defendants the Wish Group, Inc. and Wish Collaboration, Inc. (together, the "Wish Defendants") filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. On the same day, Defendant Tactical Digital Corporation ("Tactical") filed an Answer with Counterclaims. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **June 25, 2024**. Pursuant to Paragraph 1.B. of the Court's Individual Rules and Practices in Civil Cases, available at https://nysd.uscourts.gov/hon-jesse-m-furman, 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 does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a motion to dismiss the amended complaint; or (3) in the case of the Wish Defendants, file a letter on ECF stating that they rely on the previously filed motion to dismiss. If the Wish Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If any Defendant files a motion to dismiss the amended complaint or the Wish Defendants indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed within fourteen 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 (as well as its response to Defendant Tactical's Counterclaims) by **June 25, 2024**. The Wish Defendants' reply, if any, shall be filed by **July 2, 2024**. Finally, only the notice of motion (not the accompanying memorandum of law and declaration) should be filed as a motion. Accordingly, the Clerk of Court is directed to terminate ECF No. 18.

SO ORDERED.

Dated: June 5, 2024
New York, New York

JESSE M. FURMAN
United States District Judge

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