

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America for the use)
and benefit of Ibarra Trucking, Inc.;)
and Ibarra Trucking, Inc.,)

Plaintiffs,)

vs.)

Persons Service Company, LLC;)
Byrd Brothers Emergency Services,)
LLC; and Travelers Casualty and)
Surety Company of America,)

Defendants.)

ORDER

Case No. 4:12-cv-025

On May 3, 2012, defendants’ filed a Motion for Strike. Defendants seek an order from the court striking paragraphs 17, 70, and 71 of plaintiffs’ complaint on the grounds that these paragraphs reference inadmissible and immaterial settlement discussions.

On May 7, 2012, plaintiffs filed a motion requesting leave to file an amended complaint as well as a response in opposition to defendants’ motion. Plaintiffs seek leave of court to file an amended complaint that omits all references to settlement discussions amongst the parties and effectively renders defendants’ motion moot.

Accordingly, plaintiffs’ motion for leave to file an amended complaint (Docket No. 11) is **GRANTED**. Plaintiffs shall have until by May 21, 2012, to file an amended complaint. Defendants’ Motion to Strike (Docket No. 6) is deemed **MOOT**.

IT IS SO ORDERED.

Dated this 14th day of May, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge