

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

Justin Rice,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
North Star Energy & Construction, LLC,)	
et. al.,)	Case No. 4:15-cv-167
)	
Defendants.)	

Before the court is a “Stipulation to Allow Plaintiff to File Fourth Amended Complaint and Dismissal of River Aggregates II, LLC” filed on December 27, 2017. Therein plaintiff and Defendant North Star Energy & Construction, LLC (“North Star”) stipulate to dismissing River Aggregates II, LLC without prejudice and allowing plaintiff to filing a fourth amended complaint adding Daniel Plote, individually and d/b/a as River Aggregates, as a defendant. In so doing, plaintiff avers that the proper defendant is River Aggregates, LLC and not River Aggregates II, LLC. He further advises that River Aggregates, LLC in no longer in operation, hence his intent to add Daniel Plote, River Aggregates, LCC’s managing partner, as a defendant.

The court **ADOPTS** the stipulation (Doc. No. 81). Plaintiff shall have until January 5, 2018, to file a fourth amended complaint substituting Daniel Plote, individually and d/b/a River Aggregates, LLC, as a defendant in place of River Aggregates II, LLC.

IT IS SO ORDERED.

Dated this 28th day of December, 2017.

/s/ Charles S. Miller, Jr.

 Charles S. Miller, Jr., Magistrate Judge
 United States District Court