International Union of Operating Engineers v. Ohio Contractors Association Doc. 18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

INTERNATIONAL UNION OF OPERATING ENGINEERS Plaintiff, vs. OHIO CONTRACTORS ASSOCIATION, Defendant.	CASE NO. 1:18-CV-722 OPINION & ORDER [Resolving Doc. 6]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 26, 2018, Plaintiff International Union of Operating Engineers filed a first amended complaint challenging an arbitration award.[1] Because Plaintiff filed an amended complaint 21 days after Defendant Ohio Contractors Association filed its motion to dismiss, Plaintiff did not require the Court's permission to amend.[2] Accordingly, Defendant's motion to dismiss Plaintiff's original complaint is now moot.[3]

The Court therefore **DENIES AS MOOT** Defendant's motion to dismiss. Furthermore, the Court will determine a scheduling order for briefing on the merits at the Case Management Conference.

IT IS SO ORDERED.

Dated: May 14, 2018

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

[1] Doc. 6.
[2] Fed. R. Civ. P. 15(a)(1)(B).
[3] *See, e.g.*, *Glass v. The Kellogg Co.*, 252 F.R.D. 367, 368 & n.3 (W.D. Mich. 2008) (collecting cases).

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