

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

GAEDEKE HOLDINGS VII. LTD., AND )  
GAEDEKE OIL & GAS )  
OPERATING, LLC., )  
 )  
Plaintiffs )

vs. )

Case No. CIV-11-649-M

DAVID MILLS, LANDON SPEED, )  
JIM ASHFORD, BAKER PETROLEUM )  
AND INVESTMENTS, INC., )  
TODD BAKER, AND 6 through 10 )  
JOHN DOE(S), )  
 )  
Defendants/Third )  
Party Plaintiffs, )

vs. )

STEVEN D. THROWER, )  
 )  
Third Party )  
Defendant, )

**ORDER**

Before the Court is Third-Party Defendant’s Motion to Dismiss Third-Party Complaint, filed September 1, 2011. Objection to Third-Party Defendant’s Motion to Dismiss Third-Party Complaint was filed on September 22, 2011. Third-Party Defendant’s Reply was filed on September 29, 2011. Based on the parties’ submissions the Court makes its determination.


Plaintiffs filed the instant action against the defendants/third party plaintiffs (“defendants”) alleging defendants unlawfully disseminated its confidential information or a copy of a brochure after unlawfully obtaining copies of the brochure. Plaintiffs contend after misappropriating the brochure, defendants used plaintiffs’ confidential and proprietary information and wrongfully began leasing mineral interests in plaintiffs’ AMI and the Gaedeke Prospect. Plaintiffs contends

defendants removed its copyright and name from the brochure, packaged certain properties together and offered the same for sale using its brochure.

On July 21, 2011, defendants' Third Party Complaint was filed against Steven D. Thrower ("Thrower"). On September 1, 2011, Thrower filed the instant motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Thrower contends defendants' Third Party Complaint fails to meet federal pleading standards and should be dismissed. In their objection to Thrower's motion to dismiss, defendants seek in the alternative leave to amend their Third-Party Complaint. Upon review of the parties' submissions, the Court GRANTS defendants' request to amend their Third-Party Complaint. Defendants are to file their amended third party-complaint no later than January 16, 2012.

In light of the Court's Order granting defendants' request to amend, Third-Party Defendant's Motion to Dismiss Third-Party Complaint [docket no. 26] is MOOT.

**IT IS SO ORDERED this 9th day of January, 2012.**

  
VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE