

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TANYA JACOBS,</b>	:	<b>Civil Action No. 1:12-CV-0288</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>YORK UNION RESCUE</b>	:	
<b>MISSION, INC., d/b/a YORK RESCUE</b>	:	
<b>MISSION,</b>	:	
	:	
<b>Defendant,</b>	:	
	:	

**ORDER**

AND NOW, this 30th day of August, upon consideration of Plaintiff Tanya Jacobs’s (“Jacobs”) motion to file an amended complaint (Doc. 14), filed August 22, 2012, and upon further consideration of the parties stipulation for an amendment of the complaint and deadline to answer (Doc. 15) filed August 24, 2012, and it appearing that a party may amend its pleading once as a matter of course within twenty-one (21) days after serving it, or within twenty-one (21) days after service by the opposing party of a motion filed pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, see Fed. R. Civ. P. 15(a)(1)(A)-(B), and the court noting that Defendant York Rescue Mission, Inc., d/b/a York Rescue Mission (“York Rescue Mission”) filed a motion to dismiss on April 12, 2012, and that the time to file an amended complaint has therefore expired, however, the court noting that after the period to file under Rule 15(a)(1)(A)-(B) has expired “a party may amend its pleadings only with the opposing party’s written consent or the court’s leave,” (see Fed. R. Civ. P. 15(a)(2)), and the court finding that such written consent has been

obtained in the stipulation filed (See Doc. 15 (“It is hereby stipulated by and between Jeremy M. Cerutti, counsel for Plaintiff, and Shawn P. McLaughlin, counsel for Defendant, that Plaintiff may amend her complaint to add claims under the Americans with Disabilities Act (“ADA”).”) The court further finds that the parties agree that the requirement under Middle District Local Rule 7.6 that briefs opposing motions, other than those for summary judgment, be filed within fourteen (14) days of the moving party’s brief, need not apply until the court’s disposition of the pending motion to dismiss (Doc. 6). And it also appearing that the parties agree that the portion of the pending motion to dismiss (Doc. 6) asking this court to grant the motion pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction is now deemed moot, it is hereby ORDERED that:

1. Jacobs’s motion to file an amended complaint is GRANTED. Jacobs shall have three (3) days from the date of this order within which to file an amended complaint.
2. York Rescue Mission shall have fourteen (14) days from the date of the disposition of the pending motion to dismiss (Doc. 6) within which to respond to the amended complaint.
3. Any portion of York Rescue Mission’s motion to dismiss (Doc. 6) based on a lack of subject-matter jurisdiction is deemed MOOT.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge