

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

ELAINE SWANGER and VICTOR	:	CIVIL ACTION NO. 4:11-CV-894
SWANGER, as parents and legal	:	
guardians of B.J.S. and B.J.S.,	:	(Judge Conner)
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
WARRIOR RUN SCHOOL DISTRICT,	:	
PATRICIA CROSS, DOUGLAS	:	
BARENZETTI, TAMMY OSENGA,	:	
CYNTHIA DEL GOTTO, and DUANE	:	
MATTISON	:	
	:	
Defendants	:	

ORDER

AND NOW, this 29th day of August, 2011, upon consideration of the amended complaint (Doc. 31) filed by plaintiffs on August 25, 2011, and upon further consideration of the motion to dismiss (Doc. 19) filed by defendants Warrior Run School District, Patricia Cross, Douglas Barenzetti, Tammy Osenga, and Cynthia Del Gotto, on July 26, 2011, and the court finding that a party may amend its pleading once as a matter of course 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)(B), and the court further finding that “[i]n all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave,” see id. 15(a)(2), and it appearing that the amended complaint (Doc. 31) was filed more than twenty-one (21) days after the filing of the motion to dismiss under Rule 12(b), (Doc. 19), and that the plaintiffs have not

obtained the consent of the defendants, nor sought the court's leave to file the amended complaint (Doc. 31), it is hereby ORDERED that:

1. The amended complaint (Doc. 31) is STRICKEN from the record.
2. Plaintiffs may file an amended complaint with the consent of the defendants, or may seek leave of court to file an amended complaint. See FED. R. CIV. P. 15(a).

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