

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

WILLIAM CHASE WOOD, et al.,
Plaintiffs,

vs.

WORLD WIDE ASSOCIATION OF
SPECIALTY PROGRAMS AND
SCHOOLS, INC., et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER DENYING MOTIONS TO
DISMISS

Case No. 2:06-CV-708 TS

Defendants Teen Help, Peacox Enterprises, and RBL Limited Family Partnership,¹ and Defendants World Wide Association of Specialty Programs and School, Ken Kay, and Robert B. Lichfield,² move to dismiss all claims against them because Plaintiffs failed to comply with the Order for a More Definite Statement and the existing complaint fails to state a claims upon which relief can be granted. The Court finds that such a sanction is not warranted where the consequences of failing to comply with the Order for More Definite

¹Docket No. 243.

²Docket No. 248.


Statement have already been imposed. Because Plaintiffs had not complied, the Magistrate Judge denied leave to file the Fourth Amended Complaint - Version 2, and this Court affirmed that decision.

Defendants remain free to raise their contentions regarding failure to state a claim in due course. First, the Court must resolve the Plaintiffs' pending Motion for Reconsideration of its denial of leave to amend and request for leave to file a new amended complaint. It is therefore

ORDERED that the Motions to Dismiss (Docket Nos. 243 and 248) are DENIED WITHOUT PREJUDICE.

DATED September 23, 2008.

BY THE COURT:



TED STEWART
United States District Judge