

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

COLLEEN J. BENTLEY,
Plaintiff,

vs.

AMERICAN HOME MORTGAGE
ASSETS TRUST, et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER ON PENDING MOTIONS
AND SETTING BRIEFING
SCHEDULE

Case No. 2:09-CV-588 TS

This matter is before the Court on pending motions. The procedural posture of the motions is as follows: Plaintiff attempted to file an amended complaint without having first sought leave to file. As a result, the defendants filed Motions to Dismiss both the original complaint and the proposed amended complaint. Plaintiff then filed a Motion for Leave to File her proposed amended complaint. Defendant American Home Mortgage Assets Trust opposes the Motion for Leave to Amend on the ground it would be futile.

The Court having considered the entire record and in the interest of moving this case forward without unnecessary expense and delay for the parties, it is therefore

ORDERED that Defendant American Home Mortgage Assets Trust's Motion to

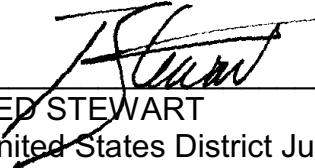
Dismiss (Docket No. 5) is DENIED as moot. It is further

ORDERED that Plaintiff's Motion for Leave to File Amended Complaint (Docket No. 21) is GRANTED and Plaintiff shall file her proposed Amended Complaint no later than October 30, 2009. It is further

ORDERED that the Motions to Dismiss Amended Complaint (Docket Nos. 10 and 12) shall be considered to apply to said Amended Complaint when it is filed. Plaintiff shall file her responses to the Motions to Dismiss Amended Complaint no later than twenty-one calendar days from the date of the filing of her First Amended Complaint. Any Reply by Defendants shall be filed seven days following the filing of a response.

DATED October 26, 2009.

BY THE COURT:



TED STEWART
United States District Judge