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

RICH MEDIA CLUB, LLC, a Delaware limited liability company, and RICH MEDIA WORLDWIDE, LLC, a Delaware limited liability company,

Plaintiffs,

v.

NIKOLAI MENTCHOUKOV, JAMES W. ROWAN, and LEFTSNRIGHTS, INC., a Delaware corporation, dba LIQWID, and JOHN DOES 1–25,

Defendants.

MEMORANDUM DECISION AND ORDER
DENYING PLAINTIFFS' MOTION FOR
EXTENSION OF TIME

Case No. 2:11-cv-1202

District Judge Ted Stewart

Magistrate Judge Brooke Wells

This matter is before the Court on Plaintiffs' Rich Media Club, LLC and Rich Media Worldwide, LLC Motion for Extension of Time to Respond to Defendants' Motion to Dismiss the Amended Complaint.¹ Defendants filed an opposition to the instant motion on June 20, 2012, and although unnecessary, as of the date of this decision Plaintiffs have elected to not file a reply. As set forth below the Court DENIES the motion.

BACKGROUND

Plaintiffs commenced this lawsuit on December 23, 2011. Shortly thereafter the parties engaged in expedited discovery. On April 3, 2012, Judge Stewart entered a Memorandum Decision and Order granting in part Defendants' first Motion to Dismiss.² A month later on May 3, 2012, Plaintiffs filed an Amended Complaint.³ Subsequently on May 17, 2012, Defendants moved to dismiss six of Plaintiffs' eight newly asserted claims and to once again dismiss

¹ Docket no. 177.

² Memorandum Decision and Order dated April 3, 2012, docket no. 115.

³ Docket no. 140.

Defendant Rowan from this lawsuit.⁴ Five days later on May 22, 2012, Plaintiffs filed a motion seeking to dismiss their own Amended Complaint for lack of jurisdiction.⁵ Plaintiffs filed the instant motion for an extension of time approximately a month later on the same day their opposition was due to Defendants' Motion to Dismiss the Amended Complaint.

DISCUSSION

Plaintiffs ask this Court for an enlargement of time to respond to Defendants' Motion to Dismiss the Amended Complaint. Specifically, Plaintiffs seek an extension of ten days after the Court rules on Plaintiffs' Motion to Dismiss their own Amended Complaint for lack of subject matter jurisdiction.⁶ In that motion Plaintiffs seek to dismiss their Amended Complaint and refile it in the appropriate state court, or have the matter referred to arbitration.⁷ Plaintiffs assert an extension is warranted because otherwise they will have to "continue to expend needless resources on a matter that is likely to be refilled in state court."⁸

Defendants oppose Plaintiffs' request for an extension of time. Defendants argue that "[i]n short, Plaintiffs would like this Court to rule on the Motions and proceedings that are in Plaintiffs' interests while they are excused from even responding to Motions that Defendants have brought."⁹ Thus, what Plaintiffs seek is to have their Motion to Dismiss for lack of jurisdiction heard before the Court renders a decision on Defendants' Motion to Dismiss the Amended Complaint on the merits.

⁴ Docket no. 148.

⁵ Docket no. 155.

⁶ Docket no. 155.

⁷ Motion p. 2.

⁸ *Id.*

⁹ Op. p. 5.

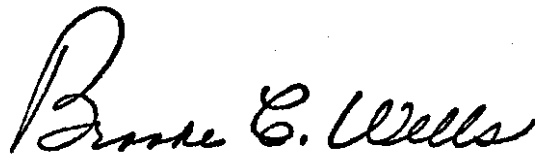
The Court agrees with Defendants arguments. There is no justifiable reason—in this case and at this time—that the Court should favor one party’s motions over another. Indeed, Plaintiffs cited reason of cost savings could apply equally to Defendants cost savings of not having to defend this action again in state court should they prevail on their pending motion to dismiss Plaintiffs’ Amended Complaint on the merits.

ORDER

Accordingly, Plaintiffs’ Motion for an Extension of Time to Respond to Defendants’ Motion to Dismiss the Amended Complaint¹⁰ is HEREBY DENIED. Plaintiffs are to file any opposition to Defendants’ motion to dismiss within 7 days from the date of this decision.

IT IS SO ORDERED.

DATED this 9 July 2012.



Brooke C. Wells
United States Magistrate Judge

¹⁰ Docket no. 177.