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

CHARLES ROBERTS, an individual, and KENNETH MCKAY, an individual, on behalf of themselves and others similarly situated,, Plaintiffs, v. C.R. ENGLAND, INC., a Utah corporation; OPPORTUNITY LEASING, INC., a Utah corporation; and HORIZON TRUCK SALES AND LEASING, LLC, a Utah limited liability company,, Defendants.	MEMORANDUM DECISION AND ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT Case No. 2:12-cv-302 TS District Judge Ted Stewart Magistrate Judge Brooke Wells

Before the Court is Plaintiffs' Motion for Leave to File Third Amended Complaint.[1] In response, Defendants state that they "do not oppose Plaintiffs' Motion for Leave to File Third Amended Complaint"[2] except for one reservation. Plaintiffs' second claim for relief purports to be under the Utah Racketeer Influenced and Criminal Enterprise Act (RICE Act).[3] Defendants note, however, that the RICE Act was replaced in Utah by the Pattern of Unlawful Activity Act (PUAA).[4] Notwithstanding this potential obstacle, "Plaintiffs have confirmed to Defendants that they intend to assert their claim under PUAA and have noted that their statutory citations refer to PUAA, which, like the RICE Act, is cited at Utah Code Section 76-10-1601 *et seq.*"[5]

[1] Docket no. 93.

[2] Response p. 2.

[3] *See* Utah Code § 76-10-1601 *et seq.*

[4] *See id.*

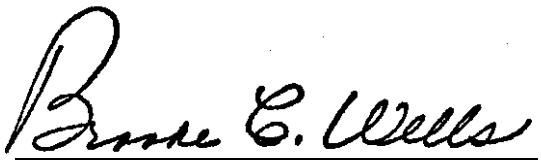
[5] Response p. 2.

Therefore, based upon Plaintiffs confirming that they intend to assert their claim under PUAA, Defendants not opposing Plaintiffs' motion and for good cause shown, the Court

GRANTS the Motion for Leave to File Third Amended Complaint.

IT IS SO ORDERED.

DATED this 31 August 2012.



Brooke C. Wells
United States Magistrate Judge