

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 09, 2017

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALFREDO LAZCANO and YELENA
LAZCANO, and the marital
community comprised thereof,

Plaintiffs,

v.

EQUIFAX INFORMATION
SERVICES, LLC, a Georgia Limited
Liability Company,

Defendant.

No. 2:16-CV-0031-SMJ

**ORDER DENYING
DEFENDANT’S MOTION TO
DISMISS AS MOOT AND
GRANTING PLAINTIFF’S
MOTION TO AMEND
COMPLAINT**

Before the Court, without oral argument, are Defendant Equifax Information Services, LLC’s Motion to Dismiss, ECF No. 6, and Plaintiffs Lazcano’s Motion to Amend Complaint, ECF No. 28. Defendant requests that the Court dismiss the complaint pursuant to Rule 12(b)(6). *See* ECF No. 6. Plaintiffs oppose the motion. *See* ECF No. 8. Plaintiffs have also moved for leave to amend their complaint to include ECF Nos. 23 and 24 as exhibits to the complaint. *See* ECF No. 28. They do not seek to otherwise amend the complaint. *Id.* Defendant does not oppose Plaintiffs’ motion to amend for the sole purpose of adding these exhibits. ECF No.

ORDER DENYING DEFENDANT’S MOTION TO DISMISS AS MOOT AND
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1 31. Defendant also requests the opportunity to file an amended motion to dismiss,
2 should Plaintiffs file an amended complaint. *Id.*

3 Having reviewed the pleadings and the file in this matter, the Court is fully
4 informed and denies Defendant's Motion to Dismiss as moot and grants Plaintiffs'
5 Motion to Amend Complaint. Plaintiffs shall file an amended complaint by January
6 10, 2017, and serve it on Defendant no later than January 13, 2017. Defendant shall
7 file an amended Motion to Dismiss within 14 days of the day on which it is served
8 with the amended complaint. Thereafter, the parties shall adhere to Local Rule 7.1's
9 requirement for filing responsive and reply memoranda for dispositive motions.

10 Accordingly, **IT IS HEREBY ORDERED:**


- 11 **1.** Defendant's Motion to Dismiss, **ECF No. 6**, is **DENIED** as moot.
- 12 **2.** Plaintiffs' Motion to Amend Complaint, **ECF No. 28**, is **GRANTED**.
- 13 **3.** Plaintiffs shall file the Amended Complaint by no later than **January**
14 **10, 2017**.
- 15 **4.** Plaintiffs shall then serve the Amended Complaint on Defendant no
16 later than **January 13, 2017**.

17 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
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provide copies to all counsel.

DATED this 9th day of January 2017.



SALVADOR MENDEZ, JR.
United States District Judge