UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLES LINDEN and RONALD LANDER,

Plaintiffs,

v.

X2 BIOSYSTEMS, INC., *et al.*,

Defendants.

Case No. C17-0966 RSM

ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND DENYING MOTION TO DISMISS AS MOOT

THIS MATTER comes before the Court on Plaintiffs' Motion for Leave to File Second Amended Complaint (Dkt. #93) and Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Dkt. #84). The case raises allegations of breach of contract and willful deprivation of wages in violation of RCW 49.52.050 and RCW 49.52.070. Dkt. #71. Plaintiffs now seek to amend their complaint based on newly-acquired evidence. Dkt. #93. Defendants oppose such amendment, arguing that Plaintiffs are simply attempting to get around this Court's prior Order denying reconsideration of its Order on Defendant's motion for judgment on the pleadings, and that Plaintiffs previously had such evidence in their possession in any event. Dkt. #98. Defendants then argue that Plaintiff's Amended Complaint should be dismissed for improperly raising claims that have already been dismissed, and for failure to state a claim upon which relief may be granted. Dkt. #84.

The Court has reviewed both motions, the oppositions thereto and replies in support thereof, along with the attached Declarations and Exhibits and the remainder of the record, and hereby finds and ORDERS:

1. For the reasons set forth by Plaintiffs in their motion to amend, the Court finds good cause to amend its Scheduling Order and therefore allows Plaintiffs to file a Second Amended Complaint. **No later than seven (7) days from the date of this Order**, Plaintiffs shall file their Second Amended Complaint as set forth in their motion.
2. Plaintiffs' Second Amended Complaint will supersede the current Amended Complaint in its entirety. Accordingly, Defendants' Motion to Dismiss the Amended Complaint is DENIED AS MOOT.
3. Nothing in this Order precludes Defendants from moving to dismiss the Second Amended Complaint should they believe such action is warranted and legally supported.
4. The parties shall submit a Joint Status Report **no later than fourteen (14) days from the date of this Order** with a proposed trial date and proposals for remaining pretrial deadlines.

DATED this 23rd day of August 2018.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE