

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IDALA STROUSE GASSER,
and JOHN GASSER,

Plaintiffs,

Case No. 20-cv-595-pp

v.

VILLAGE OF PLEASANT PRAIRIE, *et al.*,

Defendants.

**ORDER REMINDING PLAINTIFFS OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO
DISMISS (DKT. NO. 4)**

On May 18, 2020, the defendants filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(1), dkt. no. 4, along with a brief in support of the motion, dkt. no. 5. The defendants argue that the court lacks subject matter jurisdiction to consider the plaintiffs' claims. Dkt. No. 4 at 1; Dkt. No. 5 at 3-12.

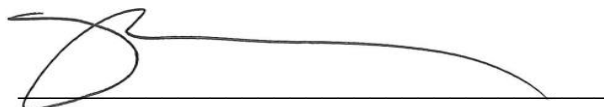
Under Civil Local Rule 7(b), if the plaintiffs wish to oppose the motion they must do so within twenty-one days—that is by June 8, 2020. The plaintiffs are free to timely file a response to the motion to dismiss, but the court reminds the plaintiffs that they have another option—they may file an amended complaint to try to cure the alleged deficiencies. See *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind.*, 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to

decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by June 8, 2020 the plaintiffs shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 20th day of May, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge