

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KAYLA GORE, et al)
)
v.) NO. 3:19-0328
) Richardson/Holmes
WILLIAM BYRON LEE, et al)

ORDER

For the reasons stated below, the following relief is granted by this Order: (i) Plaintiffs' pending motion to amend complaint (Docket No. 53) is GRANTED; (ii) Defendants' pending motion to dismiss (Docket No. 28) is terminated without prejudice to Defendants refiling as to the amended complaint; and, (iii) Defendants' motion for an extension of time to serve expert disclosures (Docket No. 55) is GRANTED.

Plaintiffs' motion to amend is unopposed, both as stated in the motion and by operation of Local Rule 7.01(a)(3). The motion (Docket No. 53) is therefore GRANTED. However, because Plaintiffs did not attach a clean version of the proposed amended complaint as required by Local Rule 15.01(a)(1), Plaintiffs must within **three (3) business days** from the date of entry of this Order separately file a clean version of the red-lined proposed amendment complaint. Once filed, the amended complaint is the legally operative complaint, *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306 (6th Cir. 2000), thus rendering moot Defendants' pending motion to dismiss. The Clerk is therefore directed to TERMINATE Defendants' motion (Docket No. 28) without prejudice to Defendants refiling as to the amended complaint. Defendants must answer or otherwise respond to the amended complaint as directed by Fed. R. Civ. P. 15(a)(3).

Defendants' motion for an extension of time to serve expert disclosures (Docket No. 55) is GRANTED as unopposed. *See* Docket No. 56. The deadline for Defendants' disclosures of expert witnesses and reports is extended to and including **March 23, 2020**.¹

All other case management deadlines and provisions found in prior orders and not modified herein remain in full force and effect.

It is SO ORDERED.



BARBARA D. HOLMES
United States Magistrate Judge

¹ In the motion, reference is made to Plaintiffs not having fully produced documents in discovery, which then prompted Plaintiffs to respond to that statement at length, even though, ultimately, Plaintiffs do not oppose the requested relief. (Docket No. 56.) Because no discovery dispute has been brought to the Court's attention, no further action is necessary. Nevertheless, the Court notes, with some dismay and frustration, the expenditure of the parties' resources and judicial resources on what appears to be a non-issue. The Court expects this trend will not continue in the future.