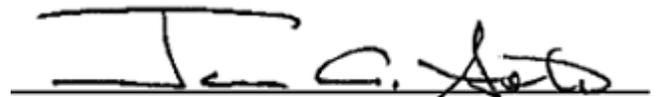




1 event).

2 Thus, if a proposed amended complaint arises in conjunction with a response to a  
3 motion to dismiss, the Court normally issues a very brief Order denying the motion to  
4 dismiss without prejudice, and directing a plaintiff to file a final amended complaint  
5 (whether it's the proposed one attached to an opposition) or whether it's a wholly new  
6 amended complaint that differs from the one attached to the response to the motion to  
7 dismiss. In light of the foregoing preferences that the Court has in any case, the parties  
8 may be able to reach a stipulation on how to proceed which the Court will presumably  
9 adopt. For example, in any case, the parties could stipulate to all of the following: (a) a  
10 pending motion to dismiss and a related pending motion for guidance from the Court be  
11 denied as moot, (b) plaintiff provide a copy of a proposed final amended complaint to  
12 defendant within 14 days; (c) over the next 14 days, the parties can discuss any potential  
13 deficiencies as to that proposed amended complaint to see if they can reach agreement on  
14 anything to streamline any agreeable issues which would be incorporated into the final  
15 amended complaint; (d) plaintiff files an amended complaint within 7 days after the parties  
16 have exhausted their discussions; and (e) if timeframes suggested by the Court do not work  
17 for the parties (whether due to other work obligations, or personal obligations such as  
18 family vacations, health issues, child care demands when kids are out of school for the  
19 summer, etc.), the parties could stipulate to better deadlines that work for the parties which  
20 the Court would likely adopt.

21 Dated this 11th day of May, 2021.

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24 

Honorable James A. Soto  
United States District Judge