

HARTMAN TITUS PLC

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6 Attorneys for Defendant

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 James Oliver Romine Jr.,

No. 2:16-cv-00604-JJT

10 Plaintiff,

**DEFENDANT’S RESPONSE IN
OPPOSITION TO PLAINTIFF’S MOTION
FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT**

11 vs.

12 James Nicholas Stanton,

13 Defendant.
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16 Defendant James Stanton responds in opposition to Plaintiff’s *Motion for Leave to File*
17 *Second Amended Complaint* [Doc. 33]. Defendant objects to the *Motion for Leave to Amend*
18 because it is improper and untimely while a *Motion to Dismiss* is pending and also because the
19 proposed amendment is futile.

20 A *Motion to Dismiss* was filed on May 10, 2016 [Doc. 19]¹ and a decision is pending.
21 Until an order is issued on the *Motion to Dismiss* it is a waste of judicial resources for the
22 Court to consider an amendment to the complaint. The proposed amendment does not change
23 the legal principles and issues raised in the *Motion to Dismiss* and has no relevance at this
24 point in the proceedings. Only if the Court denies Defendant’s *Motion to Dismiss* should a
25 *Motion for Leave to Amend* be considered.
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27 ¹ The Motion to Dismiss was lodged on May 4, 2016, [Doc. 12] with a Motion to Exceed Page
28 Limits [Doc. 13]. The Motion to Exceed Page Limits was granted on May 10, 2016 [Doc. 18]
and the lodged Motion to Dismiss was filed by the Clerk the same day [Doc. 19].

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 4, 2016, I caused the
3 foregoing document to be filed electronically with the
4 Clerk of Court through CM/ECF System for filing and
transmittal of Notice to the following CM/ECF registrant:

5 James Oliver Romine Jr.
6 12494 Ironwood Dr.
7 Yuma, AZ 85367
8 jromine2445@gmail.com
Plaintiff

9
10 /s/ Bradley P. Hartman
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