

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 14-21006-CIV-ALTONAGA/O'Sullivan

ATLAS IP, LLC,

Plaintiff,

v.

ST. JUDE MEDICAL, INC., et al.,

Defendants.

ORDER

THIS CAUSE came before the Court on Defendants' Motion to Lift Stay and Motion to Dismiss the Action with Prejudice [ECF No. 160], filed May 2, 2018. The relief Defendants seek is evident from the title of the Motion. The Court has carefully reviewed the Motion, Plaintiff's Response [ECF No. 167], and Defendants' Reply [ECF No. 168].

Embedded within Plaintiff's Response is a "motion" for leave to file an amended complaint (*see* Resp. 3), although Plaintiff did not confer with Defendants as required by Local Rule 7.1(a)(3) (*see* Reply 2¹), and did not attach to its Response the proposed amended pleading, *see* Local Rule 15.1 ("A party who moves to amend a pleading shall attach the original of the amendment to the motion" (alteration added)). As correctly observed by Defendants, this request violates the Scheduling Order [ECF No. 10], which established an April 3, 2014 deadline for amending pleadings. (*See* Reply 1). Defendants are also accurate in their assessment Plaintiff does not satisfy the Federal Rule of Civil Procedure 16(b) requirement to show good cause for a four-year extension of that deadline. (*See id.* 1–5). Finally, as noted by Defendants,

¹ The Court uses the pagination appearing at the bottom center of the pages.

dismissal and bringing to a close this 2014 suit does not deny Plaintiff the ability to bring a new suit against Defendants in an appropriate forum. (*See id.* 5–6).

Being fully advised, it is

ORDERED AND ADJUDGED that the Motion to Lift Stay and Motion to Dismiss the Action with Prejudice [ECF No. 160] is **GRANTED**. The case is **DISMISSED** with prejudice.

DONE AND ORDERED in Miami, Florida, this 1st day of June, 2018.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record