

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Nemet Chevrolet Ltd.,)	
Thomas Nemet, d/b/a Nemet Motors,)	
Plaintiffs,)	
)	
v.)	Case No. 1:08cv254 (GBL)
)	
Consumeraffairs.com,)	
Defendant.)	

ORDER

THIS MATTER is before the Court on Plaintiffs Nemet Chevrolet Ltd., and Nemet Motors' Motion to File Amended Complaint. Pursuant to Federal Rule of Civil Procedure 15(a)(2), "leave to amend a pleading shall be freely given when justice so required." FED. R. CIV. P. 15(a)(2). The Court notes that generally plaintiffs are given more than one opportunity to properly present their claims to the court, and this Amended Complaint will only constitute the second such effort by Plaintiffs. However, the parties should note that the granting of this Motion to Amend should not be construed as a pronouncement by the Court on the merits of the Amended Complaint, and it's ability to survive a motion to dismiss filed under Rule 12(b)(6). The Court did not consider the merits of Defendant's arguments in opposition to the Motion for Leave to File Amended Complaint that went to the merits of the Amended Complaint itself, as the Court finds these arguments would be more properly before the Court styled as a Rule 12(b)(6) motion

to dismiss. Defendant is free to file a motion under Rule 12(b)(6) in connection with Plaintiffs Amended Complaint as it sees fit. For the foregoing reasons, it is hereby

ORDERED that Plaintiffs' Motion to File Amended Complaint is GRANTED. It is further

ORDERED that Attachment 1 to Plaintiffs' Motion to File Amended Complaint shall serve as the Amended Complaint in this matter. It is further

ORDERED that Defendant Consumeraffairs.com has twenty (20) days from the date of entry of this Order to file a responsive pleading.

The Clerk is directed to forward a copy of this Order to counsel.

Entered this 15th day of July, 2008.

Alexandria, Virginia
07/ 15 /08

/s/
Gerald Bruce Lee
United States District Judge