

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COLBY GOROG, JOSHUA FLINT, LOUIS	:	
ROBINSON, and MICHAEL LERRO, individually	:	
and on behalf of all others similarly situated,	:	<u>ORDER</u>
	:	
	:	22 Civ. 5037 (AKH)
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
	:	
ELON MUSK, TESLA, INC., and DOGECOIN	:	
FOUNDATION, INC.,	:	
	:	
Defendants.	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:


The stipulation of dismissal against Defendant Dogecoin Foundation, Inc. is approved.

The pending briefing schedule for Defendants Elon Musk’s and Tesla, Inc.’s (collectively, the “Tesla Defendants”) motion to dismiss is vacated. The filing of a Third Amended Complaint will make that motion moot. Plaintiff’s motion for leave to file that complaint is likely to be granted, since there is not likely to be any prejudice against the Tesla Defendants, and leave to file an amended complaint is freely to be granted.

If the Tesla Defendants do not agree to the filing (subject to preservation of all defenses), the Tesla Defendants shall file their opposition to the motion to for leave to amend by two weeks from today; plaintiffs shall file their reply by one week thereafter.

SO ORDERED.

Dated: May 30, 2023
New York, New York


 ALVIN K. HELLERSTEIN
 United States District Judge