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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

AF Holdings, LLC, a St. Kitts and Nevis  
limited liability company,

Plaintiff,

v.

David Harris,

Defendant.

No. CV-12-02144-PHX-GMS

**ORDER**

This matter having recently come before this Court,

**IT IS ORDERED** that a motion pursuant to Fed. R. Civ. P. 12(b) is discouraged if the defect can be cured by filing an amended pleading. Therefore, the parties must meet and confer prior to the filing of a motion to dismiss to determine whether it can be avoided. Consequently, motions to dismiss must contain a certification of conferral indicating that the parties have conferred to determine whether an amendment could cure a deficient pleading, and have been unable to agree that the pleading is curable by a permissible amendment. In addition, parties shall endeavor not to oppose motions to amend that are filed prior to the Scheduling Conference or within the time set forth in the Rule 16 Case Management Order. Motions to dismiss that do not contain the required certification are subject to be stricken on the Court's motion.

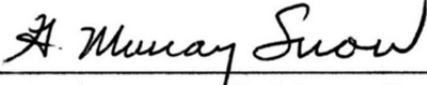
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1           **IT IS FURTHER ORDERED** that Plaintiff(s) serve a copy of this Order upon  
2 Defendant(s) and file notice of service.

3           Dated this 19th day of October, 2012.

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6           \_\_\_\_\_  
7           G. Murray Snow  
8           United States District Judge  
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