

In the United States Court of Federal Claims

No. 18-1124C

(Filed: February 28, 2023)

 WAZEE STREET OPPORTUNITIES *
 FUND IV LP, et al., *
 Plaintiffs, *
 v. *
 THE UNITED STATES, *
 Defendant. *

ORDER LIFTING STAY

On February 27, 2023, plaintiffs filed a notice as well as a first amended complaint. In their notice, plaintiffs assert that they may file the first amended complaint as a matter of right under Rule 15(a)(1) of the Rules of the United States Court of Federal Claims (“RCFC”). Plaintiffs also note that they informed defendant of their “intent to amend their complaint and sought consent thereto” and that defendant “responded that it intends to review Plaintiff’s motion and will respond as appropriate in the timeframe permitted under the rules.” Pls.’ Notice 2. However, there is no motion on the docket. To the extent that plaintiffs have moved for the court’s leave to amend the complaint in this case, such a request would have to be implied in their notice. Cf. id. (“Plaintiffs also should be permitted to amend their complaint to assert unjust enrichment claims to permit an en banc petition to review relevant unjust enrichment precedent.”).

To preserve docket clarity, the court will permit defendant to respond to plaintiffs’ notice, either by filing its own notice that the first amended complaint was correctly filed under RCFC 15(a)(1), or by filing a motion to strike the first amended complaint because plaintiffs did not first obtain leave of the court or secure defendant’s consent as provided by RCFC 15(a)(2). Once the status of the first amended complaint has been resolved, the court will schedule further proceedings in this matter.

Accordingly, defendant’s response to plaintiffs’ notice shall be filed by **no later than Wednesday, March 15, 2023**. The court **SUSPENDS** defendant’s deadline for responding to the first amended complaint. The court **LIFTS** the stay in this matter but plaintiffs’ motion for class certification, filed August 16, 2018, remains stayed.

IT IS SO ORDERED.

s/ Margaret M. Sweeney
 MARGARET M. SWEENEY
 Senior Judge