

ORDER GRANTING 54 Motion for Leave to File an Amended Complaint. The Court has reviewed Plaintiff's proposed Amended Complaint, see ECF No. [54-2] and its memorandum in support of its motion to amend, see ECF No. 55 , as well as Defendants' memorandum in opposition to Plaintiff's motion, see ECF No. 57 . The Second Circuit "strongly favors liberal grant of an opportunity to replead after dismissal of a complaint under Rule 12(b)(6)," see *Noto v. 22nd Century Grp., Inc.*, 35 F.4th 95, 107 (2d Cir. 2022), because of its "strong preference for resolving disputes on the merits," see *Williams v. Citigroup*, 659 F.3d 208, 213 (2d Cir. 2011). Leave to amend should be "freely given" in the absence of factors such as "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party..., [and] futility of amendment." *Foman v. Davis*, 371 U.S. 178, 182 (1962). Here, Defendants argue that the Court should deny Plaintiff's motion because the proposed amendment would be futile. See ECF No. 57 at 6. Upon a review of the proposed amended complaint and the parties' briefs, the Court disagrees. Plaintiff has pled additional facts that may be sufficient to overcome the defects that the Court identified in its Order granting Defendants' motion to dismiss, see ECF No. 50.

Plaintiff shall file and serve its amended complaint on or before May 28, 2024. Defendants shall answer or otherwise respond to the amended complaint on or before June 27, 2024. If Defendants intend to move to dismiss the Amended Complaint, they need not follow the process of filing a pre-motion letter required by Section IV.A of the Court's Individual Practices. Instead, Defendants shall file their papers in support of their motion to dismiss on or before June 27, 2024. Plaintiff shall file its opposition papers on or before July 29, 2024. Defendants' reply papers, if any, shall be filed on or before August 12, 2024. The parties are directed to review Section IV.B. of this Court's Individual Practices and to comply with the page limitations outlined therein. Ordered by Judge Hector Gonzalez on 5/15/2024. (ICP) (Entered: 05/15/2024)