

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United Association National Pension Fund, et
al.,

Plaintiffs,

v.

Carvana Company, et al.,

Defendants.

No. CV-22-02126-PHX-MTL

ORDER

IT IS ORDERED granting in part, and denying in part, Defendants Carvana Co., Ernest Garcia III, and Mark Jenkins Motion to Dismiss the Amended Consolidated Complaint for Failure to Comply with the Court's February 29, 2024 Order and Fed. R. Civ. P. 8, or Alternatively, for an Extension of Defendants' Time to File, and an Extension of Page Limits for, a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12, to which the remaining Defendants join. (Docs. 73, 76, 77, 79.) The Court will not use its inherent authority under Rule 41(b), Fed. R. Civ. P., to dismiss the Amended Complaint without leave to amend for failure to comply with the Court's February 29, 2024, Order and Rule 8. If, however, Defendants wish to raise their failure to comply with Rule 8, Fed. R. Civ. P., argument in a subsequent motion to dismiss, they may do so.

IT IS FURTHER ORDERED granting Defendants Carvana Co., Ernest Garcia III, Mark Jenkins, Stephen Palmer, Michael Maroone, Neha Parikh, Ira Platt, and Greg Sullivan their page extension request, insofar that their motions to dismiss the Amended Consolidated Complaint shall be extended to **45 pages**. (Docs. 73, 79.)

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2 **IT IS FURTHER ORDERED** granting in part, and denying in part, the Motion for
3 Extension of Time for Defendants to Respond to Amended Complaint, to which
4 Defendants Ernest Garcia II, Stephen Palmer, Michael Maroone, Neha Parikh, Ira Platt,
5 Greg Sullivan, and Underwriter Defendants, joins. (Docs. 74, 76, 77, 79)

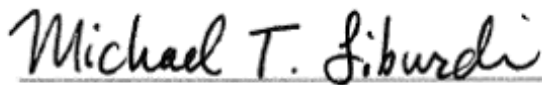
6 **IT IS FURTHER ORDERED** that all Defendants shall have **45 days** from the date
7 of this Order to file their motions to dismiss to the Amended Consolidated Complaint.

8 **IT IS FURTHER ORDERED** that Plaintiffs shall file their response(s) to
9 Defendants' motions to dismiss **60 days** from the date that the motions to dismiss are filed.

10 **IT IS FURTHER ORDERED** that Defendants shall file their replies in support of
11 their motions to dismiss **30 days** from the date that Plaintiffs' response(s) are filed.

12 **IT IS FURTHER ORDERED** that the Motion for Expedited Consideration for
13 Extension of Time (Doc. 75) is denied as moot.

14 Dated this 10th day of April, 2024.

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17 Michael T. Liburdi
18 United States District Judge
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