UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OTO ANALYTICS, INC. d/b/a WOMPLY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	**CIVIL ACTION NO. 3:21-CV-2636-B**
	§	
CAPITAL PLUS FINANCIAL, LLC, CROSSROADS SYSTEMS, INC., ERIC DONNELLY, BA FIN ORION LLC d/b/a BLUEACORN, and BARRY CALHOUN,	§	
	§	
Defendants.	§	

ORDER

Before the Court is Plaintiff Oto Analytics, Inc. ("Womply")'s Motion (1) for Reconsideration, (2) for Leave to Replead its Claims Against BA Fin Orion LLC and Barry Calhoun (the "Blueacorn Defendants"), or (3) to Direct Entry of Final, Appealable Judgment (Doc. 88). Because the Court finds that Womply failed to comply with the local rules, the Court **ORDERS** Womply to file an amended motion that includes a proposed second amended complaint as an attachment.

On April 11, 2022, the Court dismissed without prejudice Womply's claims against the Blueacorn Defendants for lack of personal jurisdiction. *Oto Analytics, Inc. v. Cap. Plus Fin., LLC*, 2022 WL 1082368, at *9 (N.D. Tex. Apr. 11, 2022). One month later, the Court granted in part and denied in part the remaining defendants' motion to dismiss and granted Womply thirty days to replead the dismissed claims. *Oto Analytics, Inc. v. Cap. Plus Fin., LLC*, 2022 WL 1488441, at *15

(N.D. Tex. May 11, 2022). Womply's second amended complaint is now due July 11, 2022. Doc. 95, Elec. Order.

Womply seeks to add allegations that address the shortcomings identified by the Court in its prior personal jurisdiction analysis. *Id.* at 15–16. Womply argues that because the Court has allowed Womply to amend its complaint and because "the Court dismissed Womply's claims against [the Blueacorn Defendants] 'without prejudice,'" permitting it to "includ[e] jurisdictional allegations against [the Blueacorn Defendants] will promote judicial economy." Doc. 88, Pl.'s Mot., 14.

The Blueacorn Defendants respond that the Court should deny the motion to amend because Local Civil Rule 15.1(b) requires a movant for leave to amend the complaint to attach a copy of the proposed amended pleading and Womply did not attach the proposed amended pleading. Doc. 96, Defs.' Resp., 12–13. Further, the Blueacorn Defendants argue that Womply's described, new factual allegations do not "contribute to specific personal jurisdiction over the Blueacorn Defendants" or are redundant of allegations made in the Amended Complaint. *Id.* at 14.

The Court agrees with the Blueacorn Defendants that Womply failed to comply with the Local Civil Rule 15.1(b). While Womply describes several allegations that it would include in a second amended complaint, it failed to file the proposed amended pleading in compliance with the local rules. *Aubrey v. D. Mag. Partners, L.P.*, 2020 WL 1479021, at *10 (N.D. Tex. Mar. 26, 2020).

Accordingly, the Court **ORDERS** Womply to file an amended motion for leave that includes a proposed second amended complaint as an attached exhibit no later than **Monday, July 11, 2022**, the current deadline for Womply to file an amended complaint.

SO ORDERED.

SIGNED: July 6, 2022.

JANE J. BOYLE
UNITED STATES DISTRICT JUDGE