

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

NO. 08-01916-MD-MARRA/JOHNSON

IN RE: CHIQUITA BRANDS
INTERNATIONAL, INC. ALIEN
TORT STATUTE AND SHAREHOLDER
DERIVATIVE LITIGATION

This Document Relates To:

ATS ACTIONS

ORDER

THIS CAUSE is before the Court upon New Jersey Plaintiffs' Motion Regarding Application of Rule 15(a), filed November 30, 2009. (DE 272). The motion is fully briefed and ripe for review. See DE's 273, 274. The Court has reviewed the motion, response, and reply, and is otherwise fully advised in the premises.


Upon review, the Court rejects Defendants' position that the Court should apply the current version of Rule 15(a) to preclude Plaintiffs from filing an amended complaint as a matter of course prior to the Court's ruling on the pending 12(b)(6) motion. See DE 273 at 2. However, the Court, acting within its authority to manage the pending litigation, hereby

ORDERS AND ADJUDGES that New Jersey Plaintiffs' Motion Regarding Application of Rule 15(a) (DE 272) is **GRANTED IN PART AND DENIED IN PART** as follows: if any of the Plaintiffs in the ATS actions desire to amend their complaints as a matter of course, any such amended complaints must be filed on or before February 26, 2010. In all other cases, the Plaintiffs may amend only with the opposing party's written consent or the Court's leave. See

F.R.C.P. 15(a)(2).

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County,
Florida, this 23rd day of December, 2009.

Copies furnished to:
all counsel of record



KENNETH A. MARRA
United States District Judge