

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MANUEL TIJERINO

CIVIL ACTION

VERSUS

NO. 24-2290

SPOTIFY USA INC.

SECTION “B”(3)

ORDER

Before the Court are several motions filed by both parties. Defendant Spotify USA, Inc.’s motion to dismiss (Rec. Doc. 13) remains pending before this Court. Plaintiff Manuel Tijerino’s filings included: (1) a motion for leave to amend complaint filed on January 28, 2025 (Rec. Doc. 19); (2) a motion for leave to file sur-reply in opposition to defendant’s motion to dismiss for improper venue (Rec. Doc. 27); (3) a motion for leave to file second amended complaint (Rec. Doc. 29); and (4) a motion for leave to file motion to stay defendant’s motion to dismiss pending discovery (Rec. Doc. 30).

IT IS HEREBY ORDERED that plaintiff’s unopposed motion for leave to amend complaint and attachments is **GRANTED**. *See* Rec. Docs. 19-1-2; and Rec. Doc. 21.

IT IS FURTHER ORDERED that plaintiff’s motion for leave to file a surreply [sic] in opposition to defendant’s motion to dismiss for improper venue (Rec. Doc. 27) is **DENIED**. Plaintiff’s proposed sur-reply fails to address newly raised arguments in defendant’s reply memorandum in a manner that would further assist the Court in deciding the underlying motion to dismiss case (Rec. Doc. 13). Instead, plaintiff reiterates arguments he has already raised, including claiming that an affidavit attached to the defendant’s reply (Rec. Doc. 25-1) introduces new evidence, despite plaintiff previously arguing the same issue in his opposition. Rec. Doc. 24-2 at 15-17; Rec. Doc. 27-2 16-17. If additional briefing is needed regarding the motion to dismiss, it will be so ordered by this Court.

IT IS FURTHER ORDERED that defendant shall file a response, if any, to plaintiff Tijerino's motion for leave to file second amended complaint (Rec. Doc. 29) **no later than March 28, 2025. No later than March 31, 2025**, the plaintiff shall file a reply to defendant's response.

IT IS FURTHER ORDERED that plaintiff's motion for leave to file (Rec. Doc. 30) is **GRANTED**, plaintiff's motion to stay defendant's motion to dismiss pending discovery and attachments (Rec. Docs. 30, 30-2 and 30-3) shall be filed into the record. Defendant shall have **until March 28, 2025**, to file an opposition to plaintiff's motion, if any. Plaintiff shall have **until March 31, 2025** to file a reply, if any.

The Court reminds all parties of this Court's Local Rules¹. All future filings must adhere to said rules, including all rules found under **Local Rule 7**. Local Rule 7.6 states, "before filing any motion for leave to intervene, amend pleadings . . . the moving party **must** attempt to obtain consent for the filing and granting of the motion from all parties having an interest to oppose."

Represented and non-represented parties are required to comply with the Federal and Local Rules. Failure to comply may lead to financial and, where warranted, dismissal of requested actions.

New Orleans, Louisiana, this 19th day of March, 2025


SENIOR UNITED STATES DISTRICT JUDGE

¹ The Court's Local Rules is accessible at <https://www.laed.uscourts.gov/attorney-information/rules-and-orders/local-rules>.