

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AQUAPAW BRANDS LLC,

Plaintiff,

v.

YAN-PENG, *et al.*

Defendants.

2:21-CV-01784-CCW

ORDER

Given that motions pursuant to Federal Rule of Civil Procedure 12(b) are discouraged if the pleading defect is curable by amendment, IT HEREBY IS ORDERED that the parties must meet and confer before the filing of such a motion to determine whether any pleading defects are curable by amendment, thereby obviating part or all of the motion. The duty to meet and confer extends to parties appearing pro se. **A motion to dismiss must be accompanied by a certificate** stating that the moving party has made a good faith effort to confer with the nonmovant(s) to determine whether the identified pleading deficiencies may be cured by amendment.

Motions to dismiss that do not contain the required certification will be summarily denied. Furthermore, a non-moving party's non-compliance with this requirement, including failure to timely engage in the meet-and-confer process, may result in the assessment of monetary and/or nonmonetary sanctions. Those sanctions may include, but are not limited to, an assessment of attorneys' fees and costs associated with the filing of the motion to dismiss, and/or a denial of the non-movant's subsequent request for leave to amend.

IT IS FURTHER ORDERED that: (1) as soon as is practicable, plaintiff(s) promptly shall serve a copy of this Order upon defendant(s); (2) all counsel and unrepresented parties must read, know and understand the Local Rules of this Court (*see* web page at: <https://www.pawd.uscourts.gov/court-info/local-rules-and-orders/local-rules>); and (3) all counsel and unrepresented parties must familiarize themselves with the undersigned's Practices and Procedures, (*see* web page at https://www.pawd.uscourts.gov/sites/pawd/files/Wiegand_Interim_Practices_Oct_2020.pdf), and they will be responsible for complying with the same.

DATED this 9th day of December, 2021.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via ECF email notification):

All Counsel of Record