

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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WILLIAM HENING, *on behalf of himself and* :  
*all others similarly situated,* :

Plaintiffs, :

-v- :

QUINN EMANUEL URQUHART & :  
SULLIVAN, LLP and DOCUMENT :  
TECHNOLOGIES LLC, :

Defendants. :

No. 13 Civ. 1432 (RA)

ORDER


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RONNIE ABRAMS, United States District Judge:

For the reasons discussed on the record at today’s conference, Plaintiff is granted leave to file an amended complaint and the proposed amended complaint is accepted as the operative complaint; Defendant Quinn Emanuel Urquhart & Sullivan, LLP’s requests for judicial notice are granted; and Defendants’ motions to dismiss are denied. The Court cannot conclude that “it is clear from the face of the complaint, and matters of which the court may take judicial notice,” Staehr v. Hartford Fin. Servs. Grp., Inc., 547 F.3d 406, 425 (2d Cir. 2008), that Plaintiff was engaged in the “practice of law” under 29 C.F.R. § 541.304(a)(1). Because this question is potentially dispositive of the case, however, discovery shall be limited to the question of whether Plaintiff practiced law within the meaning of 29 C.F.R. § 541.304(a)(1). At the close of such limited discovery, the Court will entertain motions for summary judgment on the issue.

The Clerk of Court is requested to terminate the motions pending at docket numbers 20 and 23, and to amend the docket to substitute “Document Technologies LLC” for “Providus New York LLC.”

SO ORDERED.

Dated: December 11, 2013  
New York, New York

  
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Ronnie Abrams  
United States District Judge