

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

GW EQUITY LLC,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:07-CV-976-O
	§	
XCENTRIC VENTURES LLC, et al.,	§	
Defendants.	§	

**ORDER**

Before the Court is Plaintiff GW Equity’s Motion to Strike Defendants’ Untimely Filed Counterclaim, and in the Alternative, Motion to Dismiss Counterclaim pursuant to Rule 12(b)(6) (Doc. # 137), filed April 23, 2008.

Having reviewed the motion and related briefing, as well as the relevant law, the Court does not find that Defendants’ answer and counterclaim should be stricken as untimely. *See* FED. R. CIV. P. 13, 15.

Additionally, the Court finds that Defendants’ counterclaim states a claim upon which relief can be granted. *See* FED. R. CIV. P. 8; *see also Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

Accordingly, Plaintiff’s Motion is hereby **DENIED**.

**SO ORDERED** on this 9<sup>th</sup> day of **January, 2009**.

  
 Reed O'Connor  
 UNITED STATES DISTRICT JUDGE