

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHELLE IMBRUNONE,

Plaintiff,

v.

Civil Case No. 22-12346
Honorable Linda V. Parker

SCHOOL DISTRICT OF
THE CITY OF HAMTRAMCK, et al.,

Defendants.

_____/

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO AMEND
AND DENYING AS MOOT DEFENDANTS' MOTION TO DISMISS**

Michelle Imbrunone (“Plaintiff”) initiated this lawsuit on October 3, 2022, against the following parties: School District of the City of Hamtramck; members of the Board of Education of the School District of the City of Hamtramck, Evan Major, Salah Hadwan, Moortadha Obaid, Showcat Chowdhury, and Regan Watson; and the Hamtramck Federation of Teachers, AFL-CIO (“Defendants”). (ECF No. 1.) The Complaint alleges that Defendants engaged in unlawful discrimination and retaliation in violation of federal and Michigan law. On November 29, 2022, Defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 14.) Plaintiff filed a motion to amend the complaint on December 13, 2022. (ECF No. 12.)

Plaintiff did not need to seek leave of the Court to amend her Complaint.

Federal Rule of Civil Procedure 15(a) provides in relevant part:

A party may amend its pleading once as a matter of course within:

...

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Fed. R. Civ. P. 15(a)(1)(B). Plaintiff filed her motion seeking leave to amend her Complaint within twenty-one days after service of Defendants' Rule 12(b) motion.

Therefore, Plaintiff's motion must be granted pursuant to Rule 15(a)(1)(B).

Plaintiff's Amended Complaint supersedes her original pleading to which Defendants' motion to dismiss is directed. As such, Defendants' motion to dismiss is moot. *See Glass v. The Kellogg Co.*, 252 F.R.D. 367, 368 (W.D. Mich. 2008) (citing cases).

Accordingly,

IT IS ORDERED that Plaintiff's motion to amend (ECF No. 16) is **GRANTED** and Plaintiff shall file her Amended Complaint within seven (7) days of this Opinion and Order.

IT IS FURTHER ORDERED that Defendants' motion to dismiss (ECF No. 14) is **DENIED AS MOOT**.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 22, 2022