

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

|                    |   |                      |
|--------------------|---|----------------------|
| DOROTHY SNOW,      | ) |                      |
|                    | ) |                      |
| Plaintiff,         | ) |                      |
|                    | ) | Case No. 3:11-cv-813 |
| v.                 | ) | (WO—Do not publish)  |
|                    | ) |                      |
| BOSTON MUTUAL LIFE | ) |                      |
| INSURANCE COMPANY, | ) |                      |
|                    | ) |                      |
| Defendant.         | ) |                      |

**ORDER**

The Court has pending before it Defendant Boston Mutual Life Insurance Company’s Motion to Dismiss Plaintiff’s State Law Claims, Claims for Extracontractual Damages, and to Strike Plaintiff’s Jury Demand (Doc. # 2). In the time between Boston Mutual filing this motion and now, Plaintiff Dorothy Snow amended her complaint. And when she did, she replaced the disputed state law claims with claims arising under ERISA. Because this is exactly what Boston Mutual sought to accomplish with its motion to dismiss, that motion (Doc. # 2) is hereby DENIED AS MOOT.

Done this the 25<sup>th</sup> day of January, 2012.

/s/ Mark E. Fuller  


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UNITED STATES DISTRICT JUDGE