

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

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| CAROLYN BATES, Plaintiff, |) | |
| |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 13-00051-KD-C |
| |) | |
| UNITED STATES GENERAL SERVICES) ADMINISTRATION, et al.,) Defendants.) |) | |

ORDER

This action is before the Court on the federal Defendants’ Motion to Dismiss, or Alternatively, for Summary Judgment (Doc. 12) and Motion for Leave to File the Statements of Fact and Conclusions of Law Supporting the Motion for Summary Judgment (Doc. 13). It is **ORDERED** that the federal Defendants’ motion to dismiss pursuant to Rule 12(b) of the Federal Rules of Civil Procedure (Doc. 12) is **DENIED as moot** due to Plaintiff having since filed an Amended Complaint (Doc. 17).¹ It is further **ORDERED** that the federal Defendants’ motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure (Doc. 12) and motion to submit supporting briefing (Doc. 13) are **DENIED as premature**, as Plaintiff has had no opportunity to engage in discovery. See Rule 56(a) (“The court shall grant summary judgment if the movant shows that there is **no genuine dispute as to any material fact** and the movant is entitled to judgment as a matter of law.”)

¹ See ParkerVision, Inc. v. Qualcomm Inc., No. 3:11-CV-719-J-37TEM, 2012 WL 612818, at *1-2 (M.D. Fla. Feb. 27, 2012) (“The granting of the Motion to Amend renders moot the parties’ previous pleadings. See Malowney v. Federal Collection Deposit Group, 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (noting that ‘[a]n amended complaint supersedes a previously filed complaint’); Meterlogic, Inc. v. Copier Solutions, Inc., 185 F. Supp. 2d 1292, 1297 (S.D. Fla. 2002) (noting that the plaintiff’s filing of an amended complaint ‘rendered moot the parties’ previous pleadings and the defendants’ summary judgment and Daubert motion’) . . . The pending motions to dismiss (Docs. # 34 & # 36) are **denied as moot** in light of the First Amended Complaint.”).

(emphasis added)).

The federal Defendants are reminded that a responsive pleading to Plaintiff's Amended Complaint (Doc. 17) is due by **Tuesday, September 3, 2013**. (Doc. 16).

DONE and ORDERED this the **19th** day of **August 2013**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE