

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

BRIDGEPOINT COMMUNICATIONS, INC.

PLAINTIFF

v.

Case No. 4:13CV00329 KGB

**KENTUCKY DATA LINK, INC. N/K/A
WINDSTREAM KDL, INC.**

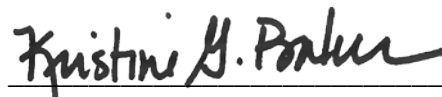
DEFENDANT

ORDER

Before the Court is defendant's motion to dismiss plaintiff's complaint for failure to state a claim (Dkt. No. 3). On June 13, 2013, plaintiff filed its first amended complaint subject to right to compel arbitration (Dkt. No. 5). Also on that day, plaintiff filed its response to defendant's motion to dismiss, asserting that the first amended complaint resolved the issues raised by defendant's motion to dismiss (Dkt. No. 6). On July 15, 2013, plaintiff filed its answer to plaintiff's first amended complaint subject to right to compel arbitration (Dkt. No. 10).

Based on these events, the Court denies as moot defendant's motion to dismiss plaintiff's complaint (Dkt. No. 3). The Court has not examined the merits of the motion in relation to plaintiffs' first amended complaint and denies the motion as moot without prejudice to defendant's right to renew or refile the motion.

SO ORDERED this the 14th day of August, 2013.



Kristine G. Baker
United States District Judge