Fidel Castillo et al v. Wells Fargo Bank N.A. et al Doc. 15

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

FIDEL CASTILLO and OLGA O. CASTILLO,

Plaintiffs,

v.

WELLS FARGO BANK, N.A. and DOES 1-10, inclusive,

Defendants.

Case No. 2:13-cv-08931-ODW(JEMx)

ORDER DENYING AS MOOT DEFENDANT'S MOTION TO DISMISS [7] AND MOTION TO STRIKE [8]

On January 2, 2014, Defendant Wells Fargo Bank, N.A. filed a Motion to Dismiss Plaintiff's Complaint and a Motion to Strike Portions of Plaintiff's Complaint. (ECF Nos. 7, 8.) Plaintiffs Fidel Castillo and Olga O. Castillo opposed both Motions on the merits on January 6, 2014. (ECF No. 10.) Nevertheless, on January 17, 2014, Plaintiffs filed a First Amended Complaint. (ECF No. 12.)

A party may amend its pleading once as a matter of course 21 days after service of a motion under Federal Rule of Civil Procedure 12(b), (e), or (f). Fed. R. Civ. P. 15(a)(1)(B). Plaintiffs' First Amended Complaint was filed within 21 days of Wells Fargo's Motion to Dismiss and Motion to Strike. Since the First Amended Complaint supersedes the original pleading, the Court hereby **DENIES AS MOOT** Wells Fargo's Motion to Dismiss and Motion Strike. (ECF Nos. 7, 8.) The First Amended

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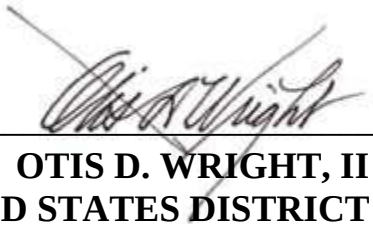
Complaint is now subject to any motions authorized under the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

January 31, 2014



OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE