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United States District Court  
Central District of California

ROBERT JAFFEE and BARBARA  
JAFFEE,

Plaintiffs,

v.

RUDOLPH CARRYL aka RUDY  
CARRYL, *et al.*

Defendants.

Case № 2:15-CV-00113-ODW (ASx)

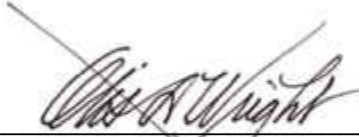
**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS AS MOOT  
[86]**

20 On June 7, 2016, Defendant Thomas Au moved to dismiss Plaintiff's First  
21 Amended Complaint. (ECF No. 86.) On June 27, 2016, the Court granted in part and  
22 denied in part Defendants Oppenheimer & Co., Inc. and Freedom Investments, Inc.'s  
23 Motion to Dismiss Plaintiffs' First Amended Complaint. (ECF No. 89.) The Court  
24 granted Plaintiffs leave to file a Second Amended Complaint within 14 days. (*Id.*)  
25 "[W]hen an amended complaint is filed while a motion to dismiss is pending, it  
26 generally moots the motion to dismiss." *Williamson v. Sacramento Mortgage, Inc.*,  
27 No. CIV. S-10-2600 KJM, 2011 WL 4591098, at \*1 (E.D. Cal. Sept. 30, 2011). Thus,  
28 the Court **DENIES AS MOOT** and without prejudice Defendant Au's Motion to

1 Dismiss. (ECF No. 86.) Defendant Au may refile his motion as appropriate in  
2 response to Plaintiffs' Second Amended Complaint.

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4 **IT IS SO ORDERED.**

5  
6 June 27, 2016

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10 **OTIS D. WRIGHT, II**  
11 **UNITED STATES DISTRICT JUDGE**