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8 **United States District Court**  
9 **Central District of California**

10 BONDED APPAREL, INC.,

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12 Plaintiff,

13 v.

14 R2D APPAREL, INC.; RABIN  
15 ARREHBORI; MRR2, INC.; REYMOND  
16 ARREHBORI; ROSS STORES, INC.  
17 d/b/a ROSS DRESS FOR LESS;  
18 BURLINGTON STORES, INC. d/b/a  
19 BURLINGTON COAT FACTORY; THE  
20 TJX COMPANIES, INC. d/b/a T.J.  
21 MAXX d/b/a MARSHALLS; DOES 1  
through 110, inclusive; M.R.R. FABRIC,  
INC.,

22 Defendants.

Case No. 2:15-cv-04406-ODW (JEM)

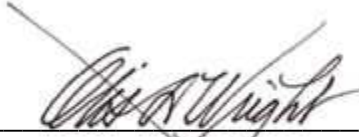
**ORDER DENYING PLAINTIFF'S  
MOTION TO DISMISS  
COUNTERCLAIMS AS MOOT [55]**

23 On October 19, 2015, Plaintiff Bonded Apparel, Inc. moved to dismiss  
24 Defendants MRR Fabric, Inc.'s counterclaims. (ECF No. 55.) On November 9, 2015,  
25 Defendant filed a timely First Amended Counterclaim. Fed. R. Civ. P. 15(a)(1); *see*  
26 *also* Fed. R. Civ. P. 15(a) advisory committee's notes ("Rule 15 [i]s the sole rule  
27 governing amendment of a pleading to add a counterclaim."). Because a motion to  
28 dismiss is moot once the pleading it attacks is superseded, *Bauer Bros. LLC v. Nike*,

1 *Inc.*, No. 09CV500-WQH-BGS, 2010 WL 4569893, at \*2 (S.D. Cal. Nov. 5, 2010),  
2 Plaintiff's Motion to Dismiss is **DENIED** as moot, and without prejudice to refile in  
3 response to Defendant's First Amended Counterclaims. (ECF No. 55.)  
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5 **IT IS SO ORDERED.**

6 November 10, 2015

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