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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

A R INTERNATIONAL ANTI-FRAUD
SYSTEMS, INC.,

Plaintiff,

vs.

PERTORIA NATIONAL CENTRAL
BUREAU OF INTERPOL, et al.

Defendants.

CASE NO. CV F 08-1301 LJO SMS

**ORDER TO DENY AS MOOT
DEFENDANT'S MOTION TO DISMISS AND
TO DISMISS CERTAIN DEFENDANTS
(Doc. 16)**

On February 2, 2009, defendants Interpol Pretoria, Nilton Mendes and Jaimes Taylor (collectively referred to as "Interpol Pretoria") moved to dismiss plaintiff A.R. International Anti-Fraud Systems, Inc.'s ("A.R. International's") complaint, pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(3), 12(b)(5), and 12(b)(6). Interpol Pretoria further moved to quash the service of summons and to dismiss on the grounds of forum non conveniens. Through an "amended motion," filed on February 12, 2009, A.R. International voluntarily dismissed nine of the ten defendants named in the complaint. A.R. International filed a first amended complaint on February 18, 2009, pursuant to Fed. R. Civ. P. 15(a).

Erroneously styled as a "motion to quash," A.R. International moves to dismiss as moot Interpol Pretoria's motion to dismiss. An amended complaint supercedes the original complaint, and this Court treats A.R. International's original complaint as withdrawn. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th

1 Cir. 1992). Accordingly, Interpol Pretoria’s motion to dismiss A.R. International’s superceded
2 complaint is moot.

3 Erroneously styled as an “amended motion to dismiss,” A.R. International voluntarily dismissed
4 nine of the ten originally-named defendants. A plaintiff has the right to amend its complaint once “as
5 a matter of course” any time before an answer is filed and served. Fed. R. Civ. P. 15(a)(1)A).
6 Accordingly, this Court dismisses the defendants in this action.

7 For the foregoing reasons, this Court:

- 8 1. DENIES as moot Interpol Pretoria’s motion to dismiss A.R. International’s original
9 complaint and to quash service of summons (Doc. 19);
- 10 2. DISMISSES with prejudices and TERMINATES the following defendants, pursuant to
11 A.R. International’s voluntary dismissal: (1) Awie Schrueder, (2) Jaimes Taylor; (3)
12 Nilton Mendes; (4) J.C.L. Mynhart; (5) Jackie Selebi; (6) Ron K. Noble; (7) Ralf
13 Mutschke, (8) Martin Hall; and (9) Martin Renkiewicz;
- 14 3. ORDERS Interpol Pretoria, **no later than March 13, 2009**, to file either: (1) a motion
15 to dismiss the first amended complaint and/or motion to quash; or, (2) a responsive
16 pleading;
- 17 4. ADMONISHES A.R. International’s counsel to use the appropriate title and event when
18 using this Court’s electronic filing system. If you need assistance, please contact the
19 CM/ECF help desk at 866-884-5444, or refer to the CM/ECF User's Manual on the
20 Court's website;
- 21 5. DIRECTS the clerk of court to terminate the erroneously-filed motions (Docs. 22, 24);
22 and
- 23 6. VACATES the March 9, 2009 hearing on the motions.

24
25 IT IS SO ORDERED.

26 **Dated: February 19, 2009**

27 /s/ Lawrence J. O'Neill
28 UNITED STATES DISTRICT JUDGE