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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COLONIAL MEDICAL GROUP, INC.,

No. C-09-2192 MMC

Plaintiff,

**ORDER DENYING AS MOOT
DEFERRED PORTION OF
DEFENDANTS' MOTIONS TO DISMISS**

v.

CATHOLIC HEALTHCARE WEST, et al.,

Defendants

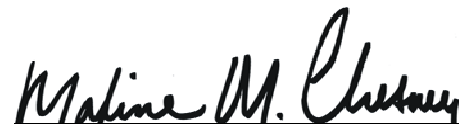
By order filed September 28, 2009, the Court granted in part and deferred in part ruling on defendants' motions to dismiss plaintiff's initial complaint. Specifically, the Court dismissed Counts One and Two, with leave to amend, and deferred ruling on the motions to the extent the motions sought dismissal of Counts Three, Four, and Five.

On October 22, 2009, plaintiff filed a First Amended Complaint. "[A]n amended pleading supersedes the original, the latter being treated thereafter as non-existent." Bullen v. De Bretteville, 239 F. 2d 824, 833 (9th Cir. 1956), cert. denied, 353 U.S. 947 (1957).

Accordingly, to the extent the motions seek dismissal of Counts Three, Four, and Five of the initial complaint, the motions are hereby DENIED.

IT IS SO ORDERED.

Dated: October 23, 2009


MAXINE M. CHESNEY
United States District Judge