

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

MARSHAL ROTHMAN,  
Plaintiff,  
v.

No. C 13-3381 MMC

**ORDER DENYING AS MOOT  
DEFENDANT’S MOTION TO DISMISS**

U.S. BANK NATIONAL ASSOCIATION &  
OLD REPUBLIC DIVERSIFIED SERVICES,  
INC. d/b/a OLD REPUBLIC DEFAULT  
MANAGEMENT SERVICES,  
Defendants.

Before the Court is defendant U.S. Bank National Association’s motion to dismiss, filed August 13, 2013. On August 28, 2013, plaintiff filed a First Amended Complaint.

A party may amend a pleading “once as a matter of course at any time before a responsive pleading is served.” See Fed. R. Civ. P. 15(a).<sup>1</sup> “[A]n amended complaint supercedes the original complaint and renders it without legal effect . . . .” Lacey v. Maricopa Cnty., 693 F.3d 896, 927 (9th Cir. 2012).

Accordingly, the Court hereby DENIES as moot defendant’s motion to dismiss.

**IT IS SO ORDERED.**

Dated: August 28, 2013

  
MAXINE M. CHESNEY  
United States District Judge

<sup>1</sup>A motion to dismiss is not a “responsive pleading.” See Crum v. Circus Circus Enterprises, 231 F. 3d 1129, 1130 n. 3 (9<sup>th</sup> Cir. 2000).