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

MOHAMMED RAHMAN, individually, and on
behalf of other members of the general public
similarly situated,

No. CV 13-3482 SI

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

Plaintiff,

v.

MOTT’S LLP, a Delaware limited liability
partnership; and DOES 1 through 10, inclusive,

Defendants.

Defendant Mott’s LLP’s motion to dismiss plaintiff’s class action complaint is scheduled for hearing on November 8, 2013. Pursuant to Civil Local Rule 7-1(b), the Court determines that this matter is appropriate for resolution without oral argument and VACATES the hearing. On September 30, 2013, plaintiff filed a first amended class action complaint, mooting defendant’s motion to dismiss. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (“[A]fter amendment the original pleading no longer performs any function and is ‘treated thereafter as non-existent.’”). Accordingly, the Court DENIES as moot defendant’s motion to dismiss plaintiff’s class action complaint. Docket No. 22.

IT IS SO ORDERED.

Dated: October 30, 2013



SUSAN ILLSTON
United States District Judge