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3 IN THE UNITED STATES DISTRICT COURT  
4  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 J. AUGUSTO BASTIDAS, M.D.,

No. CV 13-4388 SI

8 Plaintiff,

**ORDER DENYING AS MOOT  
DEFENDANTS' MOTIONS TO DISMISS**

9 v.

10 GOOD SAMARITAN HOSPITAL LP, a  
11 Delaware Limited Partnership; SAMARITAN  
12 LLC, a Delaware limited liability company;  
13 GOOD SAMARITAN HOSPITAL MEDICAL  
14 STAFF, a California unincorporated association;  
15 HCA, INC., a Delaware corporation; STEVEN  
16 M. SCHWARTZ, M.D.; and BRUCE G.  
17 WILBUR, M.D.,

18 Defendants.  
19 \_\_\_\_\_/

20 A motion to dismiss plaintiff's complaint has been filed by defendants Good Samaritan Hospital  
21 LP, Samaritan LLC, Good Samaritan Hospital Medical Staff, Steven M. Schwartz, and Bruce G. Wilbur,  
22 and a motion to dismiss has been filed by defendant HCA, Inc.; both motions are scheduled for hearing  
23 on January 24, 2013. Pursuant to Civil Local Rule 7-1(b), the Court determines that these matters are  
24 appropriate for resolution without oral argument and VACATES the hearing.

25 On December 23, 2013, plaintiff filed a first amended complaint under Federal Rule of Civil  
26 Procedure 15(a)(1)(B), mooted defendants' motions to dismiss. *See Ferdik v. Bonzelet*, 963 F.2d 1258,  
27 1262 (9th Cir. 1992) ("[A]fter amendment the original pleading no longer performs any function and  
28 is 'treated thereafter as non-existent.'"). Accordingly, the Court DENIES as moot the defendants'  
motions to dismiss. Docket Nos. 24-25.

**IT IS SO ORDERED.**

Dated: January 13, 2014



SUSAN ILLSTON  
United States District Judge