

United States District Court  
For the Northern District of California

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

JENNIFER STROME,  
Plaintiff,

No. C 14-02398 SI

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


v.

DBMK ENTERPRISES, INC., a California  
corporation; et al.,  
Defendants.

On May 23, 2014, plaintiff Jennifer Strome filed a complaint against defendants DBMK Enterprises, Inc., Michael Sanchez, Jr., and Debra Ann Sanchez. Docket No. 1. On June 17, 2014, defendants filed a motion to dismiss the complaint for failure to state a claim. Docket No. 13. On June 24, 2014, plaintiff filed a first amended complaint, mooting defendants' motion to dismiss. Docket No. 17; *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 defendants’ motion to dismiss. Docket No. 13.

**IT IS SO ORDERED.**

Dated: June 24, 2014

  
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SUSAN ILLSTON  
United States District Judge