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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREAS NOTTEBOHM, et al.,

Plaintiffs,

v.

AMERICAN HOME MORTGAGE  
INVESTMENT CORP., et al.,

Defendants.

Case No. [14-cv-04047-SI](#)

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

Re: Dkt. No. 34

On September 5, 2014, plaintiffs Tess and Andreas Nottebohm filed a complaint against defendants. Docket No. 1. On October 9, 2014, defendants filed a motion to dismiss plaintiffs' complaint. Docket No. 34. On October 30, 2014, plaintiffs filed a first amended complaint, thereby mooting defendants' motion to dismiss. Docket No. 39; *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.

**IT IS SO ORDERED.**

Dated: October 30, 2014



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SUSAN ILLSTON  
United States District Judge