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

TONY WOO, et al.,
Plaintiffs,
v.
AMERICAN HONDA MOTOR CO.,
INC.,
Defendant.

Case No. 19-cv-07042-MMC

**ORDER DENYING AS MOOT
DEFENDANT'S MOTION TO DISMISS;
VACATING HEARING**

Before the Court is defendant's Motion to Dismiss, filed January 30, 2020, whereby defendant, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, seeks dismissal of plaintiffs' initial complaint. On February 13, 2020, plaintiffs filed a First Amended Complaint.


A party may amend a pleading "once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." See Fed. R. Civ. P. 15(a)(1). "[A]n amended pleading supersedes the original, the latter being treated thereafter as non-existent." Bullen v. De Bretteville, 239 F.2d 824, 833 (9th Cir. 1956), cert. denied, 353 U.S. 947 (1957).

In the instant case, plaintiffs filed their First Amended Complaint within 21 days after service of defendant's motion to dismiss, and, consequently, were entitled to amend as of right. See Fed. R. Civ. P. 15(a)(1).

Accordingly, the Court hereby DENIES as moot defendant's motion to dismiss the initial complaint and VACATES the hearing scheduled for March 6, 2020.

IT IS SO ORDERED.

Dated: February 27, 2020


MAXINE M. CHESNEY
United States District Judge