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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 ANNIE M. JACOB,

7 Plaintiff,

8 vs.

9 JP MORGAN CHASE & CO., et al.,

10 Defendants.

Case No: C 10-00613 SBA

**ORDER DENYING AS MOOT
DEFENDANTS' MOTION TO
DISMISS AND SCHEDULING
FURTHER CASE MANAGEMENT
CONFERENCE**

[Dockets 5, 20]

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12 On February 18, 2010, Defendants JPMorgan Chase & Co., James Dimon, and Anthony
13 Horan filed a Motion to Dismiss the Complaint for Failure to State a Claim, or in the
14 Alternative, for a More Definite Statement (“the Motion to Dismiss”). (Docket No. 5.) On
15 July 9, 2010, Defendants filed a motion to appear by telephone at the scheduled July 14, 2010
16 hearing on the Motion to Dismiss. (Docket No. 20.)

17 On July 22, 2010, Plaintiff filed in this action a First Amended Complaint, naming as
18 Defendants only Aurora Loan Services and Craig Wildrick. An amended complaint supersedes
19 the original complaint and renders it of no legal effect. King v. Dogan, 31 F.3d 344, 346 (5th
20 Cir. 1994); accord Uvalles v. Jacquez, 2010 WL 135181, 2 (N.D. Cal. 2010) (“... amended
21 complaint supersedes the initial complaint.”). Moreover, “an amended complaint that drops a
22 defendant named in the original complaint effectively dismisses that defendant from the
23 action.” Johnson v. San Diego Metropolitan Transit System, 2007 WL 4328508, 2 (S.D. Cal.
24 2007) (citing London v. Coopers & Lybrand, 644 F.2d 811 (9th Cir. 1981)). In view of
25 Plaintiff’s First Amended Complaint,

26 IT IS HEREBY ORDERED THAT

27 1. The Motion to Dismiss is DENIED as MOOT.
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1 2. Defendants' motion to appear by telephone is also DENIED as MOOT as this
2 Court had taken the matter under submission without a hearing.

3 3. A telephonic Case Management Conference is scheduled in this matter for
4 November 4, 2010 at 3:00 p.m. The parties shall meet and confer prior to the conference and
5 shall prepare a joint Case Management Conference Statement which shall be filed no later than
6 ten (10) days prior to the Case Management Conference that complies with the Standing Order
7 for All Judges of the Northern District of California and the Standing Order of this Court.
8 Plaintiff shall be responsible for filing the statement as well as for arranging the conference
9 call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date
10 and time.

11 4. This Order terminates Docket Nos. 5 and 20.

12 IT IS SO ORDERED.

13 Dated: September 14, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge

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