

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

SCOTT PELLATON and ERIN PELLATON,

No. C 11-5520 CW

Plaintiffs,

ORDER DENYING
MOTION TO DISMISS
AS MOOT

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

_____ /

On January 9, 2012, Defendants filed a motion to dismiss. Plaintiffs did not file an opposition to the motion but, on January 30, 2012, filed a First Amended Complaint (1AC). Under Federal Rule of Civil Procedure 15(a)(1)(B), the complaint was amended as a matter of right. Therefore, Defendants' motion to dismiss is denied as moot.

IT IS SO ORDERED.

Dated: 2/1/2012



CLAUDIA WILKEN
United States District Judge

United States District Court
For the Northern District of California

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