

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California

BRIT A. BORHAUG, et al.,
Plaintiffs,
v.
SELECT PORTFOLIO SERVICING, INC., et
al.,
Defendants.

Case No.: 4:14-cv-02368-KAW
ORDER TERMINATING MOTION TO
DISMISS

United States District Court
Northern District of California

On May 28, 2014, Defendants filed a motion to dismiss Plaintiffs' complaint. (Mot. to Dismiss, Dkt. No. 10.) On June 18, 2014, Plaintiffs filed an amended complaint. (Am. Compl., Dkt. No. 17.)

Under Federal Rule of Civil Procedure 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b).

Accordingly, the Court terminates the pending motion to dismiss, as the operative complaint is now the amended complaint, and vacates the motion hearing currently set for July 3, 2014.

IT IS SO ORDERED.

Dated: June 23, 2014


KANDIS A. WESTMORE
United States Magistrate Judge