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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PATRICIA THOMPSON, et al.,

vs.

CHASE BANK N.A., et al.,

Plaintiffs,

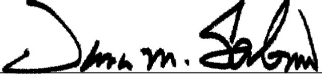
Defendants.

CASE NO. 09CV2143 DMS (POR)
**ORDER DENYING MOTION TO
DISMISS AS MOOT**

Presently before the Court is a motion to dismiss and motion to strike filed by Defendant Chase Bank USA, N.A. (Doc. 5) Instead of opposing, Plaintiffs have filed a First Amended Complaint. A party is entitled to amend pleadings once “as a matter of course” at any time before a responsive pleading is served. Fed. R. Civ. P. 15(a); *see Shaver v. Operating Eng’rs Local 428 Pension Trust Fund*, 332 F.3d 1198, 1201 (9th Cir. 2003) (motion to dismiss is not a responsive pleading). Because Plaintiffs’ amended pleading supersedes the original complaint, the original is no longer operative. *Bullen v. De Bretteville*, 239 F.2d 824, 833 (9th Cir. 1956). Defendant’s motion is therefore denied as moot.

IT IS SO ORDERED.

DATED: January 6, 2010



HON. DANA M. SABRAW
United States District Judge