

1 complaint supersedes a prior complaint as a pleading. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474
2 (9th Cir. 1997), aff'd on other grounds, *Humana, Inc. v. Forsyth*, 525 U.S. 299 (1999). Accordingly,
3 Naiman's motion is **DENIED** as moot. This order is **WITHOUT PREJUDICE** to Naiman filing,
4 as appropriate, a motion to dismiss, strike or for a more definite pleading with respect to the first
5 amended complaint.

6 The August 8 Order also denied Plaintiffs' motion for default judgment against U.S. Bank,
7 among other things. (*See* docket no. 42 at 4.) For the reasons stated therein, U.S. Bank's motion to
8 set aside the entry of default is **GRANTED**.

9 For the foregoing reasons, it is hereby **ORDERED** as follows:

10 1. The motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), strike pursuant
11 to California Code of Civil Procedure Section 425.16(a), or alternatively for a more definite statement
12 pursuant to Federal Rule of Civil Procedure 12(e) filed by Defendants Randall D. Naiman and Naiman
13 Law Group is **DENIED WITHOUT PREJUDICE**.

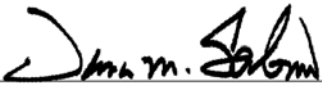
14 2. Defendants shall file a response to the amended complaint, if any, within the time provided
15 in Federal Rule of Civil Procedure 15(a)(3).

16 3. The motion to set aside entry of default filed by Defendant U.S. Bank N.A. is **GRANTED**.

17 4. The hearings set for these matters on September 9 and 16, 2011, respectively, are hereby
18 **VACATED**.

19 **IT IS SO ORDERED.**

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21 DATED: August 23, 2011

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24 HON. DANA M. SABRAW
25 United States District Judge
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