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

CERTIFIED NUTRACEUTICALS, INC., Plaintiff, v. THE CLOROX COMPANY, et al., Defendants.

Case No.: 18-CV-0744 W (KSC)

**ORDER DENYING DEFENDANTS’
MOTIONS TO DISMISS AND TO
STRIKE AS MOOT [DOCS. 9, 10]**

On June 11, 2018, Defendants filed motions to dismiss the complaint and to strike its prayer for punitive damages. [Docs. 9, 10.] 21 days later, on July 2, 2018, Plaintiff filed a First Amended Complaint (“FAC”). [Doc. 12.]

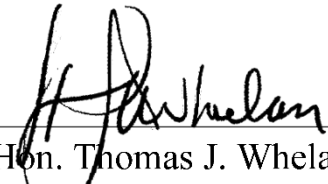
A party may amend a complaint within 21 days of service of a responsive pleading. See Fed. R. Civ. P. 15(a)(1)(B). “It is well-established in our circuit that an ‘amended complaint supersedes the original, the latter being treated thereafter as non-existent.’ ” Ramirez v. Cty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting Forsyth v. Humana, Inc., 114 F.3d 1467, 1474 (9th Cir. 1997)). Accordingly, when a plaintiff timely amends, the original complaint ceases to exist, and any pending motions to dismiss it are moot. See id.

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1 In light of the filing of the FAC, the Court denies Defendants' motions [Doc. 9, 10]
2 as moot.

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4 **IT IS SO ORDERED.**

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6 Dated: July 20, 2018

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8 Hon. Thomas J. Whelan
9 United States District Judge

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