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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THE UPPER DECK COMPANY, a
Nevada corporation,

Plaintiff,

v.

PANINI AMERICA, INC.,

Defendant.

Case No.: 20cv185-GPC(KSC)

**ORDER DENYING DEFENDANT’S
MOTION TO STRIKE FIRST
AMENDED COMPLAINT AS MOOT**

[Dkt. No. 24.]

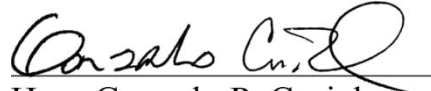
Pursuant to the Court’s order granting in part and denying in part Defendant’s motion to dismiss, Plaintiff filed a first amended complaint on July 20, 2020. (Dkt. No. 23.) On August 3, 2020, Defendant file a motion to strike portions of the first amended complaint. (Dkt. No. 24.) On August 24, 2020, Plaintiff filed a second amended complaint. (Dkt. No. 28.) On September 8, 2020, Defendant filed an answer to the second amended complaint. Because the second amended complaint supersedes the first amended complaint and the latter treated as non-existent, see Ramirez v. Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015), the Court DENIES Defendant’s motion

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1 to strike the first amended complaint as MOOT. The hearing set on September 25, 2020
2 shall be **vacated.**

3 IT IS SO ORDERED.

4 Dated: September 9, 2020


5 Hon. Gonzalo P. Curiel
6 United States District Judge

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