

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00200-PAB-CBS

(Consolidated with Civil Action Nos. 09-cv-00215-PAB-CBS, 09-cv-00296-PAB-CBS,
and 09-cv-00606-PAB-CBS)

In re LEVEL 3 COMMUNICATIONS, INC. SECURITIES LITIGATION

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendants' Motion to Dismiss [Docket No. 74] and defendants' Motion Requesting Judicial Notice [Docket No. 77]. On March 23, 2010, the Court granted lead plaintiff's Motion for Leave to File an Amended Consolidated Class Action Complaint [Docket No. 92]. Thus, the Amended Consolidated Class Action Complaint [Docket No. 92-2] became the operative pleading in this action, and the Motion to Dismiss [Docket No. 74] and the Motion Requesting Judicial Notice [Docket No. 77] are directed to an inoperative, superseded pleading. *See, e.g., Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990) ("a pleading that has been amended under Rule 15(a) supersedes the pleading it modifies") (internal quotation marks omitted). As such, the motion to dismiss and the motion requesting judicial notice are moot. It is

ORDERED that defendants' Motion to Dismiss [Docket No. 74] and defendants' Motion Requesting Judicial Notice [Docket No. 77] are DENIED as moot.

DATED March 23, 2010.