

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-00803-REB-MEH

GREGORY A. BOHAN, a Colorado individual,

Plaintiffs,

v.

DE LAGE LANDEN PUBLIC FINANCE, LLC, a Delaware corporation,

Defendant.

ORDER DENYING MOTION TO DISMISS COUNTERCLAIMS AS MOOT

Blackburn, J.

The matter before me is plaintiff's **Motion To Dismiss Counterclaims Pursuant to Fed.R.Civ.P. 12(b)(6)** [#11], filed May 29, 2009. After the motion was filed, defendant moved to amend its answer and counterclaims to address the issues raised by the motion to dismiss. (**See Motion To Amend Counterclaim ¶¶ 3-4 at 1-2** [#21], filed June 18, 2009.) The magistrate judge subsequently granted the motion to amend. (**See Minute Order** [#26], filed July 15, 2009.) The filing of the amended answer and counterclaim effectively moots plaintiff's motion to dismiss the now superseded counterclaims.

THEREFORE, IT IS ORDERED that plaintiff's **Motion To Dismiss Counterclaims Pursuant to Fed.R.Civ.P. 12(b)(6)** [#11], filed May 29, 2009, is **DENIED AS MOOT.**

Dated July 16, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge