

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00970-PAB-KMT

PREDATOR INTERNATIONAL, INC., a Colorado corporation,

Plaintiff,

v.

GAMO OUTDOOR USA, INC., a Florida corporation, and
INDUSTRIAS EL GAMO, S.A., a Spanish corporation,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on the motions to dismiss filed at Docket Nos. 113, 123, and 134. On September 9, 2010, plaintiff filed a Fourth Amended Complaint [Docket No. 161] pursuant to the Order [Docket No. 160] granting Plaintiff's Motion to Amend Third Amended Complaint. Thus, the Fourth Amended Complaint became the operative pleading in this action, and the motions to dismiss [Docket Nos. 113, 123, and 134] are directed to an inoperative, superseded pleading.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 motions to dismiss are moot. It is

ORDERED that the motions to dismiss [Docket Nos. 113, 123, and 134] are DENIED as moot.

DATED September 15, 2010.