

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02103-PAB-KLM

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

and

IRAQ ABADE, et al.,

Plaintiffs-Intervenors,

and

MARYAN ABDULLE, et al.,

Plaintiffs-Intervenors,

v.

JBS USA, LLC,  
d/b/a JBS Swift & Company,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on defendant's Motion to Dismiss the Complaint in Intervention of plaintiffs-intervenors Iraq Abade, et al. [Docket No. 38]. On January 10, 2011, plaintiffs-intervenors Iraq Abade, et al. filed an Amended Complaint in Intervention [Docket No. 61] pursuant to the Minute Order [Docket No. 60] granting their Motion to Amend Complaint [Docket No. 55]. Thus, the Amended Complaint in Intervention became the operative pleading and the Motion to Dismiss [Docket No. 38] is directed to an inoperative, superseded pleading.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 is moot. It is

ORDERED that defendant's Motion to Dismiss the Complaint in Intervention of plaintiffs-intervenors Iraq Abade, et al. [Docket No. 38] is DENIED as moot.

DATED January 26, 2011.