

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 11-cv-00642-PAB-BNB  
(Consolidated with Civil Action No. 14-cv-01647-PAB)

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Civil Action No. 11-cv-00642-PAB-BNB

UNITED STATES OF AMERICA *ex rel.* TERRY LEE FOWLER and LYSSA TOWL,  
  
Plaintiff,

v.

EVERCARE HOSPICE, INC., a Delaware corporation,  
OVATIONS, INC., a Delaware corporation,  
OPTUMHEALTH, LLC, a Delaware limited liability corporation,  
UNITED HEALTHCARE SERVICES, INC., a Minnesota corporation, and  
UNITED HEALTH GROUP, INC., a Minnesota corporation,

Defendants.

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Civil Action No. 14-cv-01647-PAB  
UNITED STATES OF AMERICA *ex rel.* SHARLENE RICE,

Plaintiff,

v.

EVERCARE HOSPICE, INC.,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on defendants' Motion to Dismiss Relators' Amended *Qui Tam* Complaint [Docket No. 68]. On February 24, 2015, plaintiffs filed the Second Amended *Qui Tam* Complaint [Docket No. 86] pursuant to the Minute Order [Docket No. 85] granting Plaintiffs' Motion for Leave to Amend Complaint [Docket No. 80]. Thus, the Motion to Dismiss [Docket No. 68] is directed to an inoperative, superseded pleading.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 defendants’ Motion to Dismiss Relators’ Amended *Qui Tam* Complaint [Docket No. 68] is DENIED as moot.

DATED February 25, 2015.