

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00970-PAB-MEH

GORSUCH, LTD., a Colorado corporation,
GORSUCH LTD., B.C., a Colorado corporation,
GORSUCH, LIMITED AT ASPEN, a Colorado corporation,
GORSUCH, LIMITED AT KEYSTONE MOUNTAIN, a Colorado corporation, and
GORSUCH COOPER, LLC, a Colorado limited liability company,

Plaintiffs,

v.

WELLS FARGO NATIONAL BANK ASSOCIATION,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief [Docket No. 5]. On May 10, 2011, plaintiffs filed an Amended Complaint [Docket No. 9] as a matter of course under Fed. R. Civ. P. 15(a)(1). Thus, the Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 5] is directed to an inoperative, superseded pleading.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 [Docket No. 5] is DENIED as moot.

DATED May 11, 2011.