

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

Civil Case No. 11-cv-03233-REB-CBS

ROGER HOPPE, II, a resident of Michigan,

Plaintiff,

v.

PERCHERON ASSOICATES, LLC, a Delaware limited liability company, and  
RONDA S. CANTER, in individual and resident of Massachusetts,

Defendants.

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**ORDER DENYING AS MOOT MOTIONS TO DISMISS**

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**Blackburn, J.**

The matter before me is defendants' **Motion To Dismiss and Brief in Support** [#10]<sup>1</sup> filed January 4, 2012. After the motion was filed, plaintiff his **Amended Complaint for Damages** [#11] filed January 25, 2012, as permitted by Fed. R. Civ. P. 12(a)(1)(B). As noted by plaintiff in his **Response to Motion To Dismiss** [#12], filed January 25, 2012, the Amended Complaint was filed in an attempt to address at least some of the issues raised in the motion to dismiss.

The filing of an amended complaint moots a motion to dismiss directed at the superceded complaint. **See *Griggs v. Jornayvaz***, 2009 WL 1464408 at \*1 (D. Colo. May 22, 2009); ***United States ex rel. Babb v. Northrop Grumman Corp.***, 2007 WL 1793795 at \*1 (D. Colo. June 19, 2007). Therefore, the motion will be denied without

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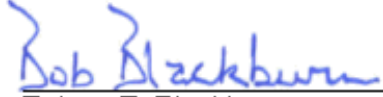
<sup>1</sup> “[#10]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

prejudice.

**THEREFORE, IT IS ORDERED** that defendants' **Motion To Dismiss and Brief in Support** [#10] filed January 4, 2012, is **DENIED WITHOUT PREJUDICE** as moot.

Dated January 27, 2012, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge