

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

Civil Case No. 12-cv-00561-REB-MEH

BEVERLY KENNEDY, an individual resident of the State of Colorado, and  
KENNEDY FARMS, LLC, a Colorado limited liability company,

Plaintiffs,

v.

MICHAEL McCORMICK, an individual resident of the State of Texas doing business as  
MTM Farm,  
ROBERT BARBER, D.V.M., an individual resident of the State of Florida doing business  
as Laurel Equine Center, and  
LAWRENCE WEXLER, D.V.M., an individual resident of the State of Florida,

Defendants.

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**ORDER DENYING AS MOOT MOTIONS TO DISMISS**

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**Blackburn, J.**

The matters before me are (1) **Defendants', Robert Barber, D.V.M. and Lawrence Wexler, D.V.M., Motion To Dismiss Pursuant to Fed.R.Civ.P. 12(b)(2) [#17]**,<sup>1</sup> filed April 18, 2012; and (2) **Defendant Michael J. McCormick's Motion To Dismiss and Supporting Memorandum of Law [#18]**, filed April 19, 2012. After the motions were filed and briefed, plaintiffs submitted their **Unopposed Motion To Amend Complaint and Jury Demand [#46]**, filed October 9, 2012. The magistrate judge granted that motion (**see Minute Order [#48]**, filed October 9, 2012), and the **Amended Complaint and Jury Demand [#49]** was filed that same day.

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<sup>1</sup> "[#17]" 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.

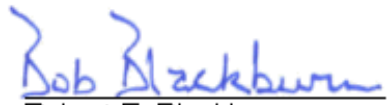
The filing of an amended complaint moots a motion to dismiss directed at the superceded complaint. **See *Griggs v. Jornayvaz***, 2009 WL 1464408 at \*1 (D. Colo. May 22, 2009); ***United States ex rel. Babb v. Northrop Grumman Corp.***, 2007 WL 1793795 at \*1 (D. Colo. June 19, 2007). Moreover, defendants now have filed motions to dismiss the amended complaint (**see Defendants', Robert Barber, D.V.M. and Lawrence Wexler, D.V.M., Motion To Dismiss Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(2) [#50]**, filed October 23, 2012; **Defendant Michael J. McCormick's Motion To Dismiss Amended Complaint [#51]**, filed October 23, 2012), and informed the court that they believe the prior motions to be moot. I therefore will deny those prior motions without prejudice on that basis.

**THEREFORE, IT IS ORDERED** as follows:

1. That **Defendants', Robert Barber, D.V.M. and Lawrence Wexler, D.V.M., Motion To Dismiss Pursuant to Fed.R.Civ.P. 12(b)(2) [#17]**, filed April 18, 2012, is **DENIED WITHOUT PREJUDICE** as moot; and
2. That **Defendant Michael J. McCormick's Motion To Dismiss and Supporting Memorandum of Law [#18]**, filed April 19, 2012, is **DENIED WITHOUT PREJUDICE** as moot.

Dated October 26, 2012, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge