

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00708-REB-MEH

ANTHONY D. LOCKE,

Plaintiff,

v.

FEDEX FREIGHT, INC.,
CARL PETERMAN,
JEFF W. STAMM,
BILL LOFTUS,
BOB MORELAND,
TONY TALIERCIO, and
JON S. JONES,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on May 23, 2012.

In the interests of justice,¹ Plaintiff's unopposed "Affidavit of Facts" [Motion for] Leave to Amend Complaint to Add Respondent [sic] Fedex Freight, Inc. to the Complaint [filed May 22, 2012; docket #18] is **granted**. Fedex Freight, Inc. will be substituted as the properly named Defendant for Fedex Corp. The Clerk of the Court is directed to file the Amended Complaint currently found at dockets #18-1, #18-2 and #18-3. Defendant Jones, who has appeared in the case, shall file an answer or other response to the Amended Complaint pursuant to Fed. R. Civ. P. 15(a). Otherwise, the Plaintiff shall serve the Amended Complaint on all parties in accordance with Fed. R. Civ. P. 4, and the Defendants shall respond in accordance with all federal and local rules.

In light of this order, Defendant Jones' recently filed Motion to Dismiss [filed April 30, 2012; docket #12] is **denied as moot** with leave to re-file, if Defendant so chooses, in response to the Amended Complaint. See *Estate of Howard v. Cnty. of El Paso, Colo.*, No. 10-cv-02740-CMA-MEH, 2011 WL 1562843, at *4 (D. Colo. Apr. 22, 2011) (recognizing "requirement to file another responsive pleading to an Amended Complaint"); see also *Robinson v. Dean Foods Co.*, No. 08-cv-01186-REB-CBS, 2009 WL 723329, at *4 (D. Colo. Mar. 18, 2009) (citation omitted) ("Generally, when an amended complaint is filed, the previous complaint is wiped out and the operative complaint is the most recently filed version.").

¹The Court notes that Plaintiff filed the present motion only one day after the deadline established in Fed. R. Civ. P. 15(a) for filing an amended pleading as a matter of course.