

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01199-CMA-KLM

THOANCHELLE BARGEN,

Plaintiff,

v.

SAPP BROS TRAVEL CENTERS INC., a Nebraska Corporation,
SAPP BROS TRAVEL CENTERS INC. d/b/a APPLE BARREL RESTAURANT,
DIANA COLLINS, an individual,
ASHLEY M. BAILEY, an individual,
PAULA GAER, an individual,
ANTHONY SENA, an individual,
COMMERCE CITY POLICE DEPARTMENT, a municipal corporation,
DAX NANCE, Officer, individually and in his official capacity,
DOES I through X, inclusive, and
ROE ENTITIES I through X, inclusive,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Amended Motion for Leave to Amend Complaint** [Docket No. 35; Filed July 31, 2012] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. The proposed Amended Complaint and Demand for Jury Trial is **ACCEPTED** as entered on July 25, 2012 [#31]. Defendants shall answer or otherwise respond to the Amended Complaint on or before **August 15, 2012**.

IT IS FURTHER **ORDERED** that **Defendants Commerce City Police Department and Dax Nance's Motion to Dismiss** [Filed July 5, 2012; Docket No. 27] is **DENIED AS MOOT**.¹ *E.g., Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at *1 (D. Colo. Jan. 11, 2010) (citations omitted) ("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (noting that defendants' motions to dismiss are "technically moot because they are directed at a

¹ The Motion to Dismiss is referred to this Court [#28].

pleading that is no longer operative”).

IT IS FURTHER **ORDERED** that the Scheduling Conference set for August 13, 2012, is **VACATED** and **RESET** to **September 18, 2012**, at **10:00 a.m.** in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

IT IS FURTHER **ORDERED** that the parties shall submit their proposed scheduling order pursuant to District of Colorado Electronic Case Filing (“ECF”) Procedures on or before **September 13, 2012**. All other provisions of the Order Setting Scheduling/Planning Conference issued May 23, 2012 [#8] remain in effect.

Dated: August 1, 2012