

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 12-cv-01477-PAB-BNB

HEATHER BOURNE,

Plaintiff,

v.

EXEMPLA, INC., d/b/a Exempla Lutheran Medical Center,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant's Motion to Dismiss [Docket No. 12]. On July 31, 2012, plaintiff filed an Amended Complaint [Docket No. 18] pursuant to the Minute Order [Docket No. 17] granting plaintiff's Motion for Leave to File Amend[ed] Complaint [Docket No. 14]. Thus, the Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 12] is directed to an inoperative, superseded pleading.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. 12] is DENIED as moot.

DATED August 1, 2012.