

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02445-PAB-BNB

SAINT LOUIS UNIVERSITY,

Plaintiff,

v.

MEDTRONIC NAVIGATION, INC. and
MEDTRONIC SOFAMOR DANEK, INC.,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant Medtronic Sofamor Danek, Inc.'s Motion to Dismiss [Docket No. 19]. On November 5, 2012, plaintiff filed an Amended Complaint [Docket No. 22] as a matter of course under Fed. R. Civ. P. 15(a)(1). Thus, the Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 19] is directed to an inoperative, superseded pleading.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 Medtronic Sofamor Danek, Inc.'s Motion to Dismiss [Docket No. 19] is DENIED as moot.

DATED November 8, 2012.