

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

Civil Action No. 12-cv-02640-REB  
(consolidated with Civil Action No. 13-cv-02976-REB-KMT)

WYERS PRODUCTS GROUP, a Colorado corporation, and  
PHILIP W. WYERS,

Plaintiffs,

v.

CEQUENT PERFORMANCE PRODUCTS,

Defendant.

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**ORDER DENYING AS MOOT MOTION TO DISMISS**

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**Blackburn, J.**

The matter before me is defendant **Cequent's Renewed Motion To Partially Dismiss Under Rule 12(b)(6)** [#61],<sup>1</sup> filed September 24, 2013. After the motion was filed, plaintiffs filed their **Unopposed Motion for Leave To File a Second Amended Complaint** [#128], filed March 21, 2014. The magistrate judge subsequently granted that motion. (**See Minute Order** [#132], filed March 21, 2014.)

The filing of an amended complaint moots a motion to dismiss directed at the superseded complaint.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

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<sup>1</sup> “[#61]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

1793795 at \*1 (D. Colo. June 19, 2007). Therefore, the currently pending motion to dismiss will be denied without prejudice.

**THEREFORE, IT IS ORDERED** that defendant **Cequent's Renewed Motion To Partially Dismiss Under Rule 12(b)(6) [#61]**, filed September 24, 2013, is **DENIED WITHOUT PREJUDICE** as moot.

Dated April 1, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge