

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

Civil Action No. 12-cv-02918-PAB-BNB
(Consolidated with Civil Action Nos. 13-cv-02607-PAB and 13-cv-02866-PAB)

Civil Action No. 12-cv-02918-PAB-BNB
SONYA BOLERJACK,

Plaintiff,

v.

PEPPERIDGE FARM, INC.,

Defendant.

Civil Action No. 13-cv-02607-PAB-BNB
GARETT KOEHLER,

Plaintiff,

v.

PEPPERIDGE FARM, INC.

Defendant.

Civil Action No. 13-cv-02866-PAB-BNB
LISA LEO,

Plaintiff,

v.

PEPPERIDGE FARM, INC.

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant's Motion to Dismiss [Docket No. 77]. On November 4, 2013, plaintiff Sonya Bolerjack filed a First Amended Class Action Complaint [Docket No. 88] pursuant to the Order [Docket No. 87] granting

Plaintiff's Motion for Leave to Modify Scheduling Order to File First Amended Complaint [Docket No. 66]. Thus, the First Amended Class Action Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 77] is directed to an inoperative, superseded pleading.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. 77] is DENIED as moot.

DATED November 5, 2013.