

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02995-PAB-MJW

PROFESSIONAL BULL RIDERS, INC., a Colorado corporation,

Plaintiff,

v.

EXCLUSIVE GENETICS, L.P., a Texas limited partnership,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant's Motion to Dismiss [Docket No. 13]. On December 20, 2012, plaintiff filed an Amended Complaint [Docket No. 14] as a matter of course pursuant to 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became the operative pleading in this action, and the Motion to Dismiss [Docket No. 13] is directed to an inoperative, superseded pleading.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 defendants' Motion to Dismiss the Complaint and Alternate Motion for a More Definite Statement of Counts I-IV [Docket No. 13] is DENIED as moot.

DATED December 12, 2012.