

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00036-PAB-KLM

JARED PROCHNOW, and  
MATTHEW FOSTER

Plaintiffs,

v.

FIDELITY MORTGAGE COMPANY, INC.,

Defendant.

---

**MINUTE ORDER**

---

**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendant's **Motion to Dismiss** [Docket No. 7; Filed January 14, 2013] (the "Motion"). The Motion was directed at Plaintiffs' original Complaint [#5]. On January 29, 2013, Plaintiffs filed an Amended Complaint [#9]. Defendant has since filed a new Motion to Dismiss [#12] aimed at the Amended Complaint. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#7] is **DENIED as moot**. See, e.g., *Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at \*1 (D. Colo. Jan. 11, 2010) (citations omitted) ("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *Gottfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (noting that defendants' motions to dismiss are "technically moot because they are directed at a pleading that is no longer operative").

Dated: February 27, 2013