

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00201-RM-KLM

HILLARY VALLES,

Plaintiff,

v.

GEN-X ECHO B, INC, d/b/a GENX and
MARTIN COLLAZO RANGEL,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant GEN-X ECHO B, Inc. d/b/a GENX's ("GENX") **Partial Motion to Dismiss Pursuant to Rule 12(b)(6)** [Docket No. 12; Filed April 29, 2013] (the "Motion"). On May 14, 2013, Plaintiff filed a Response [#16]. On May 31, 2013, GENX filed a Reply [#20].

On June 28, 2013, Plaintiff filed her Unopposed Motion to File Second Amended Complaint and Join Additional Parties [#24] which was granted on July 2, 2013 [#26]. On that date, the Second Amended Complaint [#27] was accepted by the Court and became the operative pleading. Accordingly,

IT IS HEREBY **ORDERED** that the Motion [#12] 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *Gottfredson v. Larsen LP*, 432 F.Supp.2d 1163, 1172 (D. Colo. 2006) (noting that defendants' motions to dismiss are "technically moot because they are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"); *AJB Props., Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, No. 09-2021-JWL, 2009 WL 1140185, at *1 (D. Kan. April 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot").

Dated: July 9, 2013