

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02590-WYD-KLM

SAUNDRA TAYLOR, on behalf of herself and all others similarly situated,

Plaintiff,

v.

BUDGET CONTROL SERVICES, INC., doing business as BCS, Inc.,

Defendant.

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**MINUTE ORDER**

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

This matter is before the Court on Plaintiff's **Motion to Strike Defendant's Affirmative Defense of Bona Fide Error** [#9] (the "Motion"). On September 20, 2013, Plaintiff filed the original Complaint [#1] in this matter. On October 16, 2013, Defendant filed its initial Answer [#7] in response to the Complaint. On November 11, 2013, Plaintiff filed the present Motion [#9], seeking to strike one of Defendant's affirmative defenses. Plaintiff later requested an extension of time in which to file amended pleadings, which the Court granted. *Motion for Extension of Time* [#23]; *Minute Order* [#25]. Plaintiff filed an Amended Complaint [#26] on March 20, 2014.

IT IS HEREBY **ORDERED** that the Motion [#9] is **DENIED as moot**. The Motion is directed at an Answer that is no longer operative because the Answer was directed to the initial Complaint, which was supplanted and superseded by the Amended Complaint. 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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 April 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gottfredson v. Larsen LP*, 432 F. Supp. 2d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").

IT IS FURTHER **ORDERED** that the Court sua sponte extends the deadline for Defendant to respond to the Amended Complaint to April 16, 2014. Defendant shall file an

answer or other response to the Amended Complaint **on or before April 16, 2014.**

Dated: April 9, 2014