

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02684-RM-MEH
Consolidated with 13-cv-02332-RM-MEH

FOUR WINDS INTERACTIVE LLC, a Colorado limited liability company,

Plaintiff,

v.

ACTIVISION TV, INC., a Delaware corporation,

Defendant/Consolidated Plaintiff/Consolidated Counter Defendant,

v.

KATS ON THE MARKET, INC., doing business as Tavern Hospitality Group,

Consolidated Defendant/Consolidated Counter Claimant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on February 27, 2014.

In light of the filing of the Amended Complaint as a matter of course on December 4, 2013 (docket #16) and Defendant's motion to dismiss the Amended Complaint filed December 18, 2013 (docket #20), Defendant Activision TV, Inc.'s Motion to Dismiss Plaintiff's Complaint for Declaratory Judgment [filed December 2, 2013; docket #15] is **denied as moot**. *See Franklin v. Kansas Dep't of Corrs.*, 160 F. App'x 730, 734 (10th Cir. 2005) ("An amended complaint supersedes the original complaint and renders the original complaint of no legal effect.") (citing *Miller v. Glanz*, 948 F. 2d 1562, 1565 (10th Cir. 1991)); ; *see also Robinson v. Dean Foods Co.*, No. 08-cv-01186-REB-CBS, 2009 WL 723329, at *4 (D. Colo. Mar. 18, 2009) (citation omitted) ("Generally, when an amended complaint is filed, the previous complaint is wiped out and the operative complaint is the most recently filed version.").