

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02940-PAB-MJW

REBECCA F. JACOBS, individually and on behalf of all others similarly situated,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC,  
HOMEWARD RESIDENTIAL, INC., fka American Home Mortgage Servicing, Inc., fdba  
AHMSI, and  
BANK OF NEW YORK MELLON,

Defendants.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on defendants' Motion to Dismiss [Docket No. 15]. On May 13, 2014, plaintiff filed an Amended Complaint [Docket No. 35] as a matter of course pursuant to Fed. R. Civ. P. 15(a)(2). Thus, the Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 15] is directed to an inoperative, superseded pleading.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 [Docket No. 15] is DENIED as moot.

DATED May 14, 2014.