

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03094-PAB-MEH

DIANA SLADEK, and
DENNIS SLADEK,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,
ARONOWITZ & MECKLENBURG,
THOMAS MOWLE, and
MERS, a division of MERSCORP,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on April 16, 2014.

In the interest of justice and having no objection from Defendants, Plaintiffs' Motion to Amend Complaint [filed April 15, 2014; docket # 39] is **granted** as follows. On or before April 21, 2014, Plaintiffs may file the pleading attached to the present motion with the following modifications: (1) the pleading shall be titled "Second Amended Complaint"; and (2) the pleading shall comply with D.C. Colo. LCivR 10.1(e) ("All documents shall be double spaced.").

In light of this order, Defendant El Paso County's Motion to Dismiss Amended Complaint [filed April 10, 2014; docket #31] is **denied as moot** with leave to re-file, if Defendant so chooses, in response to the Second Amended Complaint. *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.").

Defendants shall file an answer or other response to the Second Amended Complaint in accordance with Fed. R. Civ. P. 15(a) or with court order, as applicable.