

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03258-PAB-KMT

KATHY WORNICKI and
EDWARD LAINE, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

BROKERPRICEOPINION.COM, INC.,
FIRST VALUATION, LLC,
FIRST VALUATION SERVICES, LLC,
FIRST VALUATION TECHNOLOGY, LLC, and
CARTEL ASSET MANAGEMENT, LLC,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendants Brokerpriceopinion.com, Inc., First Valuation, LLC, First Valuation Services, LLC, and First Valuation Technology, LLC's Motion to Dismiss [Docket No. 19]. On February 18, 2014, plaintiff Kathy Wornicki filed an Amended Complaint [Docket No. 23] as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1). Thus, the Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 19] is directed to an inoperative, superseded pleading.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. 19] is DENIED as moot.

DATED February 19, 2014.