

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00037-PAB-BNB

DENA M. CANNON,  
SUZANNE BOLDEN,  
SERGIO ALCALA,  
TERI NELSON, and  
JULIANA VAN TUIL,  
on behalf of themselves and others similarly situated,

Plaintiffs,

v.

TIME WARNER NY CABLE LLC,

Defendant.

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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 Strike the Class Allegations from Plaintiffs' Complaint [Docket No. 13]. On April 14, 2014, plaintiffs filed an Amended Complaint [Docket No. 18] 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became the operative pleading in this action, and the Motion to Strike [Docket No. 13] is directed to an inoperative, superseded pleading.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 strike is moot. It is

**ORDERED** that defendants' Motion to Strike the Class Allegations from Plaintiffs' Complaint [Docket No. 13] is DENIED as moot.

DATED April 15, 2014.