

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00832-PAB-KLM

WADE GAGNON,
VALERIE VAN TASSEL, and
DAVID F. WILLIAMS,
individually and on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

MERIT ENERGY COMPANY, LLC, f/k/a Merit Energy Company,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief [Docket No. 12]. On May 13, 2014, plaintiffs filed an Amended Class Action Complaint [Docket No. 21] pursuant to the Minute Order [Docket No. 20] granting plaintiffs' Motion for Leave to Amend the Class Action Complaint to Correct Party Names [Docket No. 18]. Thus, the Amended Class Action Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 12] is directed to an inoperative, superseded pleading.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 Defendant's Motion to Dismiss Plaintiffs' Second Claim for Relief [Docket No. 12] is DENIED as moot.

DATED May 13, 2014.