

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-00884-PAB-MEH

PROGRADE AMMO GROUP LLC, d/b/a BVAC, a Delaware limited liability company,

Plaintiff,

v.

CURT PERRY, an individual,
KRISTEN PERRY, an individual,
AMMO KAN, a Colorado limited liability company,
AMMO CAN LLC, a Colorado limited liability company,
AMMO CAN LLC, a Wyoming limited liability company,
AMMO KAN FRANCHISE GROUP LLC, a Wyoming limited liability company,
HIGH COUNTRY SALES, LLC, a Colorado limited liability company,
HIGH COUNTRY WHOLESALE, LLC, a Wyoming limited liability company,
HIGH COUNTRY SPORT, LLC, a Wyoming limited liability company,
MAVERICK AMMUNITION LLC, a Wyoming limited liability company,
TAD VETTE, an individual,
VICTOR VETTE, an individual, and
JOHN DOES 1-5,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on Plaintiff's Motion to Dismiss Counterclaims [Docket No. 28]. On June 27, 2014, defendants filed an Amended Answer, Affirmative Defenses, and Counterclaims [Docket No. 39]. Thus, the Motion to Dismiss Counterclaims [Docket No. 28] is directed to an inoperative, superseded pleading.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 Plaintiff's Motion to Dismiss Counterclaims [Docket No. 28] is DENIED as moot.

DATED June 30, 2014.