

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01153-MSK-KLM

WILDEARTH GUARDIANS,

Plaintiff,

v.

IRG BAYAUD, LLC, a Colorado limited liability company,
BRENT ANDERSON, an individual, and
JOHN YERTON, an individual,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Defendants' Motion for Dismissal Without Prejudice or For Stay** [#17]¹ (the "First Motion") and **Defendants' Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6)** [#18] (the "Second Motion"). The First Motion and the Second Motion each seek dismissal of the claims asserted in the initial Complaint [#1]. On June 26, 2014, Plaintiff filed the First Amended Complaint for Declaratory and Injunctive Relief and Civil Penalties [#20]. Accordingly,

IT IS HEREBY ORDERED that the First Motion [#17] and the Second Motion [#18] are **DENIED as moot**. See, e.g., *Strich v. United States*, No. 09-cv-01913-REB-KLM, 2010 WL 14826, at *1 (D. Colo. Jan. 11, 2010) (citations omitted) ("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, No. 09-2021-JWL, 2009 WL 1140185, at *1 (D. Kan. Apr. 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (noting that defendants' motions to dismiss are "technically moot because they are directed at a pleading that is no longer operative").

Dated: July 8, 2014

¹ "[#17]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Minute Order.