

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01456-PAB-KLM

TRACY L. ZUBROD, Trustee for the Bankruptcy Estate of Kellee D. Wertz, a/k/a  
Kellee D. Escobar-Romero,

Plaintiff,

v.

BURRIS COMPANY, INC., a Delaware Corporation,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on defendant's Motion to Dismiss [Docket No. 6]. On October 17, 2014, plaintiff filed an Amended Complaint [Docket No. 23] pursuant to the Minute Order [Docket No. 22] granting plaintiff's Motion for Leave to File Amended Complaint. Thus, the Amended Complaint became the operative pleading in this action, and the Motion to Dismiss [Docket No. 6] is directed to an inoperative, superseded pleading.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 [Docket No. 6] is DENIED as moot.

DATED October 17, 2014.