

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01462-KLM

MARGIE ANN KEENER,

Plaintiff,

v.

THE HARTFORD INSURANCE COMPANY OF THE MIDWEST, doing business as The  
Hartford,

Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendant's **Motion to Dismiss** [#9] and on Plaintiff's **Motion for Leave to File Second Amended Complaint** [#13] (the "Motion to Amend"). On June 3, 2014, Plaintiff filed an Amended Complaint [#8] as a matter of course under Fed. R. Civ. P. 15(a)(1). Defendant responded to the Amended Complaint with a Motion to Dismiss [#9]. In response to the Motion to Dismiss, Plaintiff now seeks leave to file a Second Amended Complaint [#13-1] in order to rectify certain pleading deficiencies identified in the Motion to Dismiss. Given these circumstances and that it is still very early in this case and a Scheduling Conference has not yet been held,

IT IS HEREBY **ORDERED** that the Motion to Amend [#13] is **GRANTED**. The Clerk of Court is directed to accept Plaintiff's Second Amended Complaint [#13-1] for filing as of the date of this Minute Order.

IT IS FURTHER **ORDERED** that the Motion to Dismiss [#9] is **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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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. April 28, 2009) (finding that amended complaint superseded original complaint and "accordingly, defendant's motion to dismiss the original complaint is denied as moot"); *Gottfredson v. Larsen LP*, 432 F. Supp. 2d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"). Defendant shall file an answer or other response to the Second Amended Complaint in accordance with the Federal Rules of Civil Procedure.

Dated: July 16, 2014