

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 14-cv-03011-REB-MJW

HAWG TOOLS, LLC, a Colorado limited liability company,

Plaintiff,

v.

NEWSO INTERNATIONAL ENERGY SERVICES, INC., aka NEWSO INTERATIONAL ENERGY SERVICES USA, INC., aka NEWSO DIRECTIONAL & HORIZONTAL SERVICES, INC., aka NEWSO USA, INC., and  
JOE FICKEN, an individual,

Defendants.

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**ORDER DENYING AS MOOT MOTION TO DISMISS**

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**Blackburn, J.**

The matter before me is **Defendants' Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and (6)** [#24],<sup>1</sup> filed November 26, 2014.<sup>2</sup> After the motion was filed plaintiff filed an **Amended Complaint** [#36], filed December 22, 2014. **See Fed. R. Civ. P. 15(a)(1)(B)**. The filing of an amended complaint moots a motion to dismiss directed at the superceded complaint. **See *Griggs v. Jornayvaz***, 2009 WL 1464408 at \*1 (D. Colo. May 22, 2009); ***United States ex rel. Babb v. Northrop Grumman Corp.***, 2007 WL 1793795 at \*1 (D. Colo. June 19, 2007). Therefore, the currently pending motion to dismiss will be denied without prejudice.

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<sup>1</sup> “[#24]” 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 order.

<sup>2</sup> With the consent of the magistrate judge, the extant **Order of Reference** [#26], filed November 26, 2014, of this motion is withdrawn.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Order of Reference** [#26], filed November 26, 2014, is

**WITHDRAWN**; and

2. That **Defendants' Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and (6)** [#24], filed November 26, 2014, is **DENIED WITHOUT PREJUDICE** as moot.

Dated December 23, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge