

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03151-MSK-KLM

T2 TECHNOLOGIES, INC.,

Plaintiff,

v.

WINDSTEAM COMMUNICATIONS, INC., a Delaware corporation, and
MCLEOD USA TELECOMMUNICATIONS SERVICES, LLC, an Iowa limited liability
company doing business as PAETEC Business Services, LLC,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's [sic] T2 Technologies, Inc.'s Notice of Filing of Amended Pleading** [#23]¹ (the "Notice"), Plaintiff's **Status Report** [#26] (the "Status Report"), and Defendants' **Motion to Dismiss** [#14] (the "Motion to Dismiss"). On February 26, 2015, the Court ordered Plaintiff to "file a status report informing the Court whether its proposed amendments to the Complaint are opposed." *Minute Order* [#24] at 2. In the Status Report, Plaintiff states that it filed the Notice [#23] and proposed Amended Complaint for Damages and Demand for Jury Trial [#23-2] (the "Amended Complaint") pursuant to Fed. R. Civ. P. 15(a)(2) and that "Defendants have advised counsel for Plaintiff that Defendants do not object to the amended complaint." *Status Report* [#26] at 1. Accordingly,

IT IS HEREBY **ORDERED** that the Clerk of the Court shall accept Plaintiff's Amended Complaint [#23-2] for filing as of the date of this Order.

IT IS FURTHER **ORDERED** that Defendants shall answer or otherwise respond to the Amended Complaint in accordance with Fed. R. Civ. P. 15(a)(3).

IT IS FURTHER **ORDERED** that Defendants' Motions to Dismiss [#14] is **DENIED**

¹ "[#23]" 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.

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(“The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded.”); *AJB Props., Ltd.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 Apr. 28, 2009) (finding that amended complaint superseded original complaint and “accordingly, defendant’s motion to dismiss the original complaint is denied as moot”); *Gottfredson v. Larsen LP*, 432 F. Supp. 2d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”).

Dated: March 4, 2015