

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00871-KLM

BRADLEY D. OASTER,

Plaintiff,

v.

STANLEY ROBERTSON,

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 Plaintiff's **Amended Complaint** [#14]. As an initial matter, the Amended Complaint does not comply with D.C.COLO.LCivR 15.1, which requires that an amended complaint filed pursuant to Fed. R. Civ. P. 15(a) or 15(b) "attach as an exhibit a copy of the amended pleading which strikes through . . . the text to be deleted and underlines . . . the text to be added." The Motion is subject to denial on this basis alone. Nevertheless, in the interest of expedience, the Court will grant Plaintiff leave to file the redline required by Rule 15.1 separately from the Amended Complaint. In addition, because it is unclear to the Court if the Amended Complaint was filed pursuant to Fed. R. Civ. P. 15(a) or 15(b),

IT IS HEREBY **ORDERED** that, **on or before May 29, 2015**, Plaintiff shall file a Notice on the docket informing the Court under which rule the Amended Complaint was filed and shall attach to that Notice the exhibit required by D.C.COLO.LCiv.R 15.1.

IT IS FURTHER **ORDERED** that Defendant shall respond to the Amended Complaint **14 days** after the Notice is filed.

IT IS FURTHER **ORDERED** that Defendant's Motion to Dismiss Pursuant to 12(b)(1), 12(b)(2), and 12(b)(6) and Request for Evidentiary Hearing [#6] 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("The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded."); *AJB Props., Ltd.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. Apr. 28, 2009) (finding that amended complaint superseded original complaint and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: May 21, 2015