

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02010-WJM-MJW

TERRANCE BROWN,

Plaintiff,

v.

HIGH COUNTRY TRANS. INC.,
KIRK CROWLEY,
CLINTON SHOCKLEY, and
RICK LEDAY,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that:

- Defendants' Unopposed Motion to Attend Rule 16(b) Scheduling Conference by Telephone (**Docket No. 35**) is GRANTED; Counsel for Defendants may appear at the December 17, 2015 scheduling conference at 10:30 a.m. by telephoning chambers at the appointed time at (303) 844-2403; all individuals appearing telephonically shall be on the line prior to contacting chambers;
- Plaintiff's Unopposed Motion to Amend Complaint Pursuant to Fed.R.Civ.P. 15(a) (**Docket No. 37**) is GRANTED, finding no objection from Defendants and finding that Rule 15(a)(2) requires that leave be freely granted;
- Plaintiff shall file a proposed amended complaint *without the strike-throughs and underlining* no later than December 4, 2015; and
- Defendant Clinton Shockley's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) (**Docket No. 18**), Defendant Rick Leday's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) (**Docket No. 24**), and Defendants High Country Transportation and Kirk Crowley's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (**Docket No. 26**) are DENIED AS MOOT, without prejudice against re-filing, because they

are directed to an obsolete, inoperative pleading. See *Gilles v. United States*, 906 F.2d 1386, 1389 (10th Cir. 1990) (stating that “a pleading that has been amended under Rule 15(a) supersedes the pleading it modifies”) (internal quotation marks omitted).

Date: November 25, 2015
