

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02330-RM-MEH

STEVEN NASH,

Plaintiff,

v.

WAL-MART, and
LOUISVILLE LADDER, INC.,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on November 9, 2015.

In light of the “Amended Complaint” filed by the Plaintiff pursuant to Fed. R. Civ. P. 15(a) (docket #23), Defendant Louisville Ladder, Inc.’s Motion to Dismiss [filed October 27, 2015; docket #12] is **denied as moot** with leave to re-file, if Defendant so chooses, in response to the Amended Complaint. See *Franklin v. Kansas Dep’t of Corr.*, 160 F. App’x 730, 734 (10th Cir. 2005) (“An amended complaint supersedes the original complaint and renders the original complaint of no legal effect.”) (citing *Miller v. Glanz*, 948 F. 2d 1562, 1565 (10th Cir. 1991)); see also *Robinson v. Dean Foods Co.*, No. 08-cv-01186-REB-CBS, 2009 WL 723329, at *4 (D. Colo. Mar. 18, 2009) (citation omitted) (“Generally, when an amended complaint is filed, the previous complaint is wiped out and the operative complaint is the most recently filed version.”).