UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION

DANIEL C. SPEARS, JR.,

Plaintiff,

v. Case No: 2:18-cv-286-FtM-38MRM

SHK CONSULTING AND DEVELOPMENT, INC., LAKE RED ROCK LLC and DAVID B. NIRENBERG.

Defendants.

ORDER¹

Before the Court are Defendant David Nirenberg's and Defendant SHK Consulting and Development, Inc.'s motions to dismiss the Complaint. (Doc. 15; Doc. 18). Plaintiff Daniel C. Spears has since filed an Amended Complaint. (Doc. 31). Because the Amended Complaint is the operative pleading, the Court denies Defendants' motions to dismiss as moot. See Malowney v. Fed. Collection Deposit Grp., 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (noting, "[a]n amended complaint supersedes an original complaint" (citation omitted)).

Accordingly, it is now

ORDERED:

(1) Defendant David Nirenberg's Motion to Dismiss (Doc. 15) is **DENIED as moot**.

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- (2) Defendant SHK Consulting and Development, Inc.'s Motion to Dismiss (Doc.18) is **DENIED as moot**.
- (3) Defendants have on or before **August 8, 2018**, to respond to the Amended Complaint.

DONE and **ORDERED** in Fort Myers, Florida this 25th day of July 2018.

SHERI POLSTER CHAPPELL ' '
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record