

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
SENIOR JUDGE WALKER D. MILLER

Civil Action No. 08-cv-00119-WDM-MEH

RAE ANN SCHMALTZ,

Plaintiff,

v.

SMITHKLINE BEECHAM CORPORATION
D/B/A GLAXOSMITHKLINE,

Defendant.

ORDER ON MOTION TO DISMISS

Miller, J.

This matter is before me on the Motion to Dismiss Monitoring and Class Claims (doc no 24) filed by Defendant. Defendant sought to dismiss certain claims contained in the Amended Complaint. However, after the motion to dismiss was filed, Plaintiff filed a Second Amended Complaint (doc no 46), which does not contain the claims at issue in the motion. Because the Second Amended Complaint supersedes the Amended Complaint, Defendant's Motion to Dismiss Monitoring and Class Claims (doc no 24) is denied as moot.

DATED at Denver, Colorado, on December 1, 2008.

BY THE COURT:

s/ Walker D. Miller
United States Senior District Judge

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