

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD VIGUS, individually and as the representative of a class of similarly-situated persons,)
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 Plaintiff,) Cause No. 08-cv-786-JPG
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 v.)
)
 SOUTHERN ILLINOIS RIVERBOAT/CASINO)
 CRUISES, INC. d/b/a HARRAH'S)
 METROPOLIS CASINO,)
 Defendant.)
)

MEMORANDUM AND ORDER

This matter comes before the Court on the motion to strike or for judgment on the pleadings with respect to class allegations filed by defendant Southern Illinois Riverboat/Casino Cruises, Inc. d/b/a Harrah's Metropolis Casino ("Harrah's") (Doc. 31). Harrah's also asks for a hearing on that motion (Doc. 33). Harrah's objects to the "fail-safe" nature of the proposed class definition, which would require an inquiry into the merits of the claim in order to determine who is in the class. Since Harrah's filed their motions, plaintiff Richard Vigus has amended the complaint to assert a substantially revised class definition (Doc. 41). Because the original motions are directed at the original complaint, which is no longer the operative pleading in this case, *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999), the Court hereby **DENIES as moot** Harrah's motions (Docs. 31 & 33).

IT IS SO ORDERED.
Dated: September 22, 2009

s/ J. Phil Gilbert
DISTRICT JUDGE