## IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF ILLINOIS

BOBBY G. MOORE and DYNNA MOORE, Plaintiffs.

V.

R.G. BRINKMANN COMPANY d/b/a BRINKMANN CONSTRUCTORS, NEGWER MATERIALS, INC., DURA-STILT SALES LIMITED PARTNERSHIP, IAM OF PUERTO RICO, INC., and TOOLS FOR TRADES, INC.

Defendants.

R.G. BRINKMANN COMPANY,

Crossclaimant and Third-party Plaintiff,

v.

IAM OF PUERTO RICO, INC., Crossdefendant,

and

AMERICAN EXTERIOR-INTERIOR SERVICES, INC.,

Third-party Defendant.

NEGWER MATERIALS, INC.

Crossclaimant and Third-party Plaintiff,

v.

TOOLS FOR TRADES, INC. and IAM OF PUERTO RICO, INC.

Crossdefendants,

and

AMERICAN EXTERIOR-INTERIOR SERVICES, INC.,

Third-party Defendant.

TOOLS FOR TRADES, INC.

Crossclaimant.

v.

IAM OF PUERTO RICO, INC.,

Crossdefendant.

## **MEMORANDUM AND ORDER**

This matter comes before the Court on the first motion to dismiss pursuant to Federal

Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction filed by

No. 3:11-CV-208 JPG-PMF

defendant/crossdefendant IAM of Puerto Rico, Inc. ("IAM") (Doc. 60). IAM's first motion to

dismiss (Doc. 60) is directed toward the plaintiffs' second amended complaint (Doc. 29). Since

IAM filed the motion, the plaintiffs have filed a third amended complaint (Doc. 95). Because the

first motion to dismiss is directed at the second amended complaint, which is no longer the

operative complaint in this case, Massey v. Helman, 196 F.3d 727, 735 (7th Cir. 1999), the Court

**DENIES as moot** the first motion to dismiss (Doc. 60).

Because the claims against IAM in the third amended complaint are the same as those in

the second amended complaint, the Court **ORDERS** that the January 30, 2012, deadline for

responding to IAM's first motion to dismiss (see Doc. 93) shall also apply with respect to IAM's

pending motion to dismiss the third amended complaint (Doc. 105). Responses to IAM's other

pending motions to dismiss (Docs. 107, 108 & 109) shall also be filed on or before January 30,

2012.

IT IS SO ORDERED.

DATED: January 10, 2012

s/ J. Phil Gilbert

**DISTRICT JUDGE**