

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Intrust Financial Corporation,

Plaintiff,

v.

No. 11-1312-SAC

Entrust Financial Credit Union,

Defendant.

MEMORANDUM AND ORDER

This case comes before the Court on two motions.

Defendant Entrust Federal Credit Union moves to dismiss the Plaintiff's complaint. Because Defendant filed no answer to the original complaint, Plaintiff was free to amend its complaint without leave of court. See Fed.R.Civ.P. 15(a)(1) ("A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served...."); *Adams v. Campbell County Sch. Dist.*, 483 F.2d 1351, 1353 (10th Cir. 1973) ("A motion to dismiss is not a responsive pleading within the meaning of Rule 15(a)."). Plaintiff did so. Accordingly, Defendant's motion to dismiss, which was directed only at Plaintiff's original complaint, was rendered moot when Plaintiff filed its amended complaint.

Plaintiff moves the Court for an order extending its time to respond to the Defendant's motion to dismiss and to conduct limited discovery concerning personal jurisdiction in support of its response to the

motion. Because the underlying motion is moot, Plaintiff's motion is similarly moot.

IT IS THERE FORE ORDERED that Defendant's motion to dismiss (Doc. 6) is denied as moot.

IT IS FURTHER ORDERED that Plaintiff's motion for an extension of time and for limited discovery (Doc. 10) is denied as moot.

Dated this 17th day of January, 2012 at Topeka, Kansas.

s/ Sam A. Crow

Sam A. Crow, U.S. District Senior Judge