

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

10-ACIOUS, INC., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:11CV-395-S

GREEN HILLS VENTURES, LLC, et al.

DEFENDANTS

MEMORANDUM OPINION AND ORDER

This matter is before the court on motion of the defendants, Green Hills Ventures, LLC; GHV Fund, LP (collectively, the “Green Hills entities”); and Emanuel Martinez, to dismiss for lack of personal jurisdiction and improper venue (DN 5).

This action arose from an unconsummated venture capital deal between the defendants, purported private investment firms, and 10-Acious, Inc., a self-styled digital greeting card company.

The defendants contend that they did not have sufficient minimum contacts with Kentucky upon which to premise personal jurisdiction. In support of their motion, the defendants have provided the affidavit of defendant Emanuel Martinez, the managing director of Green Hills Ventures, LLC.

The plaintiffs did not responded to the motion to dismiss. Instead, they filed an amended complaint, as permitted by Fed.R.Civ.P. 15(a)(1)(B). An amended complaint supersedes all previous complaints and becomes the only operative pleading. Thus it renders moot any pending motion to dismiss the original complaint. *American Guarantee and Liability Insurance Company v. CTA Acoustics, Inc.*, 2008 WL 1924229, *2 (E.D.Ky. April 29, 2008), *citing ABB, Inc. v. Reed City Power Line Supply Co.*, 2007 WL 2713731, *1 (W.D.Mich. 2007); *Kentucky Press Association*

v. Kentucky, 355 F.Supp.2d 853, 857 (E.D.Ky. 2005); *see also, Washer v. Bullitt Co.*, 110 U.S. 558 (1884).

Therefore, motion having been made and the court being otherwise sufficiently advised, **IT IS HEREBY ORDERED AND ADJUDGED** that the motion of the defendants, Green Hills Ventures, LLC, *et al.*, to dismiss (DN 5) is **DENIED AS MOOT**.

IT IS SO ORDERED.

August 24, 2011



**Charles R. Simpson III, Judge
United States District Court**