

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DENIERA RICHARDSON, ET AL.

CIVIL ACTION

VERSUS

STERLING TRUCK CORPORATION,  
ET AL.

NO. 3:13-cv-00113-BAJ-RLB

RULING AND ORDER

Before the Court are two motions filed by Defendant Sterling Truck Corporation (“Sterling Truck”) seeking dismissal of claims stated in Plaintiffs’ **FIRST AMENDED COMPLAINT (Doc. 5)**, pursuant to Federal Rule of Civil Procedure 12(b)(6). (See Doc. 11; Doc. 12). In response to these Motions, Plaintiffs requested leave, and were allowed to file their **SECOND AMENDED COMPLAINT (Doc. 23)**, which addresses concerns raised in Sterling Truck’s Motions to Dismiss. Sterling Truck has not renewed its request for dismissal since Plaintiffs filed their Second Amended Complaint. Thus, because Plaintiffs’ Second Amended Complaint (Doc. 23) is now the operative complaint, and because Sterling Truck has not renewed its request for dismissal of Plaintiffs’ claims, Sterling Truck’s previous Motions to Dismiss (Doc. 11; Doc. 12) are moot. *Cf. In re Scruggs*, 392 F.3d 124, 128 (5th Cir. 2004) (“A controversy becomes moot where, as a result of intervening circumstances, there are no longer adverse parties with sufficient legal interest to maintain the litigation.” (alterations omitted)).

Accordingly,

**IT IS ORDERED** that Sterling Truck's **MOTIONS TO DISMISS (Doc. 11; Doc. 12)** are each **DENIED AS MOOT**.

Baton Rouge, Louisiana, this 7<sup>th</sup> day of March, 2014.



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**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**