

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

GREGORY TODD COOK, ET AL.

CIVIL ACTION NO. 15-2195

VERSUS

JUDGE S. MAURICE HICKS, JR.

WARRIOR ENERGY SERVICES,
CORPORATION D/B/A SPC RENTALS

MAGISTRATE JUDGE HAYES

MEMORANDUM ORDER

Before the Court are two Motions to Dismiss filed by Defendant. See Record Documents 10 & 21. The first motion (Record Document 10) appears to address the Amended Complaint (Record Document 4) while the second motion (Record Document 21) appears to address the Third Amended Complaint (Record Document 20).

The Original Complaint (Record Document 1) was filed on August 14, 2015. Just weeks later, Plaintiffs amended their complaint twice (Record Documents 3 & 4). On January 20, 2016, Plaintiffs again amended their complaint (Record Document 20). The Third Amended Complaint (Record Document 20) does incorporate by reference the allegations set forth in the Original and Amended Complaints and now governs this matter.

The Court finds that the first three complaints (Record Documents 1, 3 & 4) no longer perform any function in this case. See Nguyen v. Hung Do, 2013 WL 6665722, at *1-2 (E.D. La. Dec. 16, 2013), *aff'd sub nom. Thanh Van Nguyen v. Hung Do*, 579 Fed.Appx. 284 (5th Cir. 2014), citing 6 Wright & Miller, Federal Practice & Procedure § 1476. The Court further notes that Defendant filed another motion to dismiss to address the newly amended complaint. Thus, this Court will consider Defendant's first Rule 12(b)(6) Motion (Record Document 10) as moot and will be denied as such.

Accordingly,

IT IS ORDERED that Defendant's Rule 12(b)(6) Motion to Dismiss (Record Document 10) is **DENIED AS MOOT**. A ruling on Defendant's Second Rule 12(b)(6) Motion to Dismiss (Record Document 21) will be issued in due course.

THUS DONE AND SIGNED, at Shreveport, Louisiana, this the 16th day of February, 2017.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE