

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSHUA MAURO and)	
KELLY MAURO,)	
Plaintiffs,)	
)	
v.)	C.A. No. 13-10233-MLW
)	
SYSTEM ONE HOLDINGS, LLC,)	
Defendant)	

ORDER

WOLF, D.J.

June 26, 2013

On February 6, 2013, this case was removed to the United States District Court for the District of Massachusetts. On February 12, 2013, defendant System One Holdings, LLC ("System One"), filed a Motion to Dismiss Pursuant to Fed. R. Civ. Proc. 12(b)(6). Plaintiffs proceeded, on February 20, 2013, to file an Amended Complaint and Demand for Jury Trial (the "Amended Complaint"). Plaintiffs had the right to file the Amended Complaint as a matter of course because they filed it within 21 days of the date on which System One served its motion to dismiss plaintiffs' original complaint. See Fed. R. Civ. P. 15(a)(1)(B). Accordingly, the Amended Complaint is now the operative complaint in this case. On March 6, 2013, System One filed a Motion to Dismiss the Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. Proc. 12(b)(6).

In view of the foregoing, it is hereby ORDERED that Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. Proc. 12(b)(6) (Docket No. 4), which sought to dismiss plaintiffs'

original complaint, is MOOT.

Alvin S. May
UNITED STATES DISTRICT JUDGE