

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AL HIMYARI, ET AL.,

Plaintiffs,

v.

CISSNA, ET AL.,

Defendants.

Case No. 18-10242

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

MAGISTRATE JUDGE STEPHANIE
DAWKINS DAVIS

ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT [32]; AND TERMINATING AS MOOT PLAINTIFFS' MOTION TO CERTIFY CLASS [31], DEFENDANTS' MOTION TO DISMISS [33], DEFENDANTS' EX PARTE MOTION FOR EXTENSION OF TIME TO FILE RESPONSE [35]

On July 23, 2018, the Court held a status conference on the record at which it set a briefing schedule for dispositive motions. At the conference, the Court granted Plaintiffs' request to file an amended complaint which would include additional petitioners who reside in Michigan. Tr. 20:1-14, July 23, 2018.

In an abundance of caution, Plaintiffs filed this Motion for Leave to File Amended Complaint [32] on August 15, 2018. Also on that date, in accordance with

the briefing schedule, Plaintiffs filed a Motion to Certify Class [31] and Defendants filed a Motion to Dismiss [33].

On August 30, 2018, Defendants filed an ex parte Motion to Extend the Deadline to Respond to Plaintiffs' Motion for Class Certification [35]. In their Motion to Extend, Defendants ask the Court postpone the date on which their response to Plaintiffs' Motion to Certify Class is due until after the Court rules on Plaintiffs' Motion for Leave to File Amended Complaint [32].

Fed. R. Civ. P. 15(a)(2) provides that the Court should freely grant leave to amend the complaint where justice so requires. For the reasons set forth in Plaintiffs' brief, and for the reasons stated on the record at the status conference, the Court grants Plaintiffs' Motion for Leave to File Amended Complaint [32] in the interest of justice.

Once an amended complaint is filed, the original complaint "is a nullity, because an amended complaint supersedes all prior complaints." *B & H Med., L.L.C. v. ABP Admin., Inc.*, 526 F.3d 257, 268 n.8 (6th Cir. 2008) (quoting *Drake v. City of Detroit*, 266 Fed. App'x 444, 448 (6th Cir. 2008)). Thus, the motions associated with the Complaint [15] will be rendered moot. *See Brent v. Wayne Cnty. Dep't of Human Servs.*, No. 11-10724, 2011 WL 5975265, *12 fn.13 (E.D. Mich. Nov. 28, 2011). The parties may re-file motions in accordance with L.R. 7.1.

Accordingly,

IT IS ORDERED that Plaintiffs' Motion for Leave to file Amended Complaint [32] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Certify Class [31], Defendants' Motion to Dismiss [33], and Defendants' Motion to Extend [35] are **TERMINATED as moot**.

SO ORDERED.

Dated: August 31, 2018

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge