

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WAYNE C. HARVEY, and on behalf)
of himself and all those similarly situated)

Plaintiff,

v.

No. 4:10CV2102 HEA

GENERAL ELECTRIC CO., et al,

Defendant.

ORDER

On November 5, 2010, Defendants General Electric, GE Money Bank (now known as GE Capital Retail Bank), GE Consumer Finance, Inc., and General Electric Capital Corporation (collectively, the “GE Defendants”) filed a Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) [ECF No. 3]. Since that time, Plaintiff Wayne Harvey has filed an Amended Complaint [ECF No. 48], and GE Defendants filed a new Motion to Dismiss Plaintiff’s Amended Complaint [ECF No. 62]. In light of Plaintiff’s newly-filed Amended Complaint, the Court deems GE Defendants’ initial Motion to Dismiss [ECF No. 3] as moot, and deems the new Motion to Dismiss [ECF No. 62] as under submission. The Court will address such motion once the parties are done briefing the Court on the matter.

IT IS HEREBY ORDERED that GE Defendants Motion to Dismiss [ECF No. 3] is **DENIED** as moot.

Dated this 15th day of March, 2012.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE