

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BANK OF AMERICA, N.A., )  
Plaintiff, )  
vs. ) Case No. 4:12-CV-372-JAR  
JEWISH COMMUNITY CENTER, )  
Defendant, )  
and )  
CHRIS KOSTER, )  
Attorney General of Missouri, )  
Defendant-Intervenor. )

**MEMORANDUM AND ORDER**

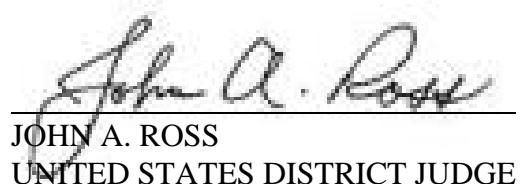
This matter is before the Court on Defendant Jewish Community Center's Motion to Dismiss Count III of Plaintiff's First Amended Complaint [ECF No. 10] and Attorney General's Motion to Dismiss Count III of Plaintiff's First Amended Complaint [ECF No. 30]. Based on the filing of Plaintiff's Second Amended Complaint on September 24, 2012 [ECF No. 47], the pending motions to dismiss will be denied as moot.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Jewish Community Center's Motion to Dismiss Count III of Plaintiff's First Amended Complaint [10] is **DENIED** as moot.

**IT IS FURTHER ORDERED** that Attorney General's Motion to Dismiss Count III of Plaintiff's First Amended Complaint [30] is **DENIED** as moot.

Dated this 10th day of October, 2012.



JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE