

Defendants.

Plaintiff's first amended complaint adds four Defendants: AMC Family, AMC Free CE Academy, Inc., AMC Right Start, Inc., and Advanced Management for Chiropractors, Inc. Id.

With regard to pleadings that require a responsive pleading, Federal Rule of Civil Procedure 15(a)(1)(B) allows a party "to amend its pleading once as a matter of course within" twenty-one days after service of a motion under Rule 12(b), 12(e), or 12(f). Plaintiff filed its first amended class action complaint within twenty-one days after service of the pending motion to dismiss. "It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect." In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000) (citing Washer v. Bullitt Cnty., 110 U.S. 558, 562 (1884)). Due to the timely filing of Plaintiff's first amended complaint, the pending motion to dismiss is moot because it is seeking dismissal of the original petition, which is no longer before the Court. After careful consideration,

IT IS HEREBY ORDERED that the pending motion to dismiss the action with prejudice under Federal Rule of Civil Procedure 12(b)(6) [ECF No. 20] is **DENIED without prejudice** as moot.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of April, 2017.