

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RUTH SAKE,

Plaintiff,

vs.

**PRUDENTIAL INSURANCE COMPANY
OF AMERICA, A foreign corporation;**

Defendant.

8:16CV423

ORDER

This matter is before the Court on the Motion to Dismiss, ECF No. 7, filed by Defendant Prudential Insurance Company of America (“Prudential”). On November 16, 2016, the Parties filed a Stipulation for Extension of Time regarding Plaintiff Ruth Sake’s (“Sake”) response to Prudential’s Motion to Dismiss. ECF No. 17. The Parties stipulated that Sake should be permitted to further plead on or before November 29, 2016. *Id.* at Page ID 207-08. Sake filed an Amended Complaint on November 29, 2016, in accordance with the Stipulation. ECF No. 19. Because Sake filed an Amended Complaint, the Motion to Dismiss the original complaint will be denied as moot, without prejudice to reassertion.

IT IS ORDERED:

1. The Motion to Dismiss, ECF No. 7, filed by Defendant Prudential Insurance Company of America, is denied as moot, without prejudice to reassertion; and
2. In accordance with the Parties’ Stipulation for Extension of Time, ECF No. 17, Defendant Prudential Insurance Company of America must file a

responsive pleading to the Amended Complaint on or before December
16, 2016.

Dated this 1st day of December, 2016

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge