

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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4	ELLERY J. PETTIT,	)	Case No.: 2:11-cv-00149-GMN-PAL
5		)	
6	Plaintiff,	)	<b>ORDER</b>
7	vs.	)	
8		)	
9	PULTE MORTGAGE LLC, et al.	)	
10		)	
11	Defendants.	)	
12		)	

Before the Court is Defendant JPMorgan Chase Bank, N.A., as successor by merger to Chase Home Finance LLC’s (“Chase”) Motion for Judgment on the Pleadings (ECF No. 40). Plaintiff Ellery J. Pettit filed a Response (ECF No. 43) and Defendant filed a Reply (ECF No. 45). Plaintiff subsequently filed a “Motion to Extend Time for Opposition re 40 Motion for Judgment on the Pleadings” (ECF No. 46) which is more properly characterized as a motion for leave to file a sur-reply.

This Court previously granted Defendants IBM Lender Business Process Services (“IBM LBPS”) and Mortgage Electronic Registration Systems’ (“MERS”) Motion to Dismiss (ECF No. 17). (See Order, ECF No. 39.) In that Order, the Court granted Plaintiff leave to amend his complaint against “Defendants IBM Lender Business Process Services and Mortgage Electronic Registration Systems.” Accordingly, Plaintiff filed an Amended Complaint on November 21, 2011. (Amended Complaint, ECF No. 44.)

Plaintiff proceeded to add new defendants in his Amended Complaint. Plaintiff names Federal National Mortgage Association, MERS and Seterus, Inc. as defendants. It is well settled that an amended pleading supersedes the original complaint which thereafter is treated as nonexistent. See *Bullen v. De Bretteville*, 239 F.2d 824 (9th Cir. 1956). Therefore, the

1 previously named parties to the original complaint, Chase, Pulte Mortgage LLC and IBM  
2 LBPS, are no longer parties to this suit.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that Defendant JPMorgan Chase Bank, N.A., as successor  
5 by merger to Chase Home Finance LLC's, Motion for Judgment on the Pleadings (ECF No. 40)  
6 is **DENIED as moot**. Plaintiff Ellery J. Pettit's "Motion to Extend Time for Opposition re 40  
7 Motion for Judgment on the Pleadings" (ECF No. 46) is also **DENIED as moot**.

8 DATED this 22nd day of December, 2011.

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12 Gloria M. Navarro  
13 United States District Judge  
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