UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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RIMINI STREET, INC. a Nevada Corporation;

Plaintiff,

v.

ORACLE INTERNATIONAL CORPORATION, a California Corporation,

Defendant.

ORACLE AMERICA, INC., a Delaware Corporation; and ORACLE INTERNATIONAL CORPORATION,

Plaintiff,

v.

RIMINI STREET, INC.; and SETH RAVIN, an individual,

Counter-defendants.

Case No. 2:14-cv-1699-LRH-CWH

ORDER

Before the court is defendant and counter-claimants Oracle International Corporation and Oracle America, Inc.'s (collectively "Oracle") motion to dismiss claims two through six of plaintiff Rimini Street, Inc.'s ("Rimini Street") second amended complaint (ECF No. 367). ECF No. 400.

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After the filing of the Oracle's motion, Rimini Street filed a motion for leave to file a third amended complaint (ECF No. 465) which was granted by the court (ECF No. 486). Thereafter, on May 2, 2017, Rimini Street filed its third and final amended complaint. ECF No. 487. The filing of Rimini Street's third amended complaint supersedes the second amended complaint in its entirety. As such, Oracle's motion to dismiss claims two through six of the second amended complaint is now moot. Further, Oracle has already filed a separate motion to dismiss claims two through eight of Rimini Street's third amended complaint (ECF No. 505) which is now fully briefed and shall be addressed by the court in a separate order. Therefore, the court shall deny Oracle's motion to dismiss claims two through six of the second amended complaint.

IT IS THEREFORE ORDERED defendant/counter-claimants' motion to dismiss claims two through six of plaintiff's second amended complaint (ECF No. 400) is DENIED without prejudice.

IT IS FURTHER ORDERED that plaintiff's motion for a hearing on defendant/counter-claimants' motion (ECF No. 404) is DENIED as moot.

IT IS SO ORDERED.

DATED this 12th day of September, 2017.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE