

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 SmarterSwipe, Inc.,

5 Plaintiff

6 v.

7 Carlos Navarrete, et al.,

8 Defendants

Case No. 2:24-cv-00299-CDS-MDC

**Order Granting Plaintiff's Motion to
Amend, Denying Motion to Dismiss, and
Approving Substitution of Counsel**[ECF Nos. 3, 39, 43]
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10 Plaintiff SmarterSwipe, Inc.'s motion to file an amended complaint [ECF No. 43] is
11 **granted**. An “amended complaint supersedes the original, the latter being treated thereafter as
12 non-existent.” *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (internal
13 citation omitted)). Strictly speaking, “the original pleading no longer performs any function”
14 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Consequently, defendant Emmanuel
15 Gonzalez's motion to dismiss [ECF No. 3] is **denied as moot**.

16 The Clerk of Court is kindly instructed to file SmarterSwipe's amended complaint
17 (attached as exhibit 1 to the motion to amend at ECF No. 43-1) on the docket as SmarterSwipe's
18 first amended complaint.

19 Further, defendants Robert Porras and Brian Silva's notice to substitute Jennifer L.
20 Braster of Naylor & Braster Attorneys at Law PLLC as counsel in the place of Jones Lovelock
21 [ECF No. 39] is **granted**.

22 Dated: June 4, 2024

23
24 
25 Cristina D. Silva
26 United States District Judge