

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ECP PROPERTY II LLC,

Plaintiffs,

-against-

JOSEPH NORTON, and THEMA
NORTON,

Defendants.

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**MEMORANDUM AND
ORDER**

Case No. CV-14-7298(FB)

Appearances:

For the Plaintiffs:

JEREMY S. FRIEDBERG, ESQ.
GORDON S. YOUNG, ESQ.
Leitess Friedberg PC
10451 Mill Run Circle, Suite 1000
Owings Mills, MD 21117

For the Defendants:

NARISSA ADRIENNE JOSEPH
277 Broadway
Suite 501
New York, New York 10007

BLOCK, Senior District Judge:

Plaintiff ECP Property II LLC (“ECP”) moves for default judgment pursuant to Fed. R. Civ. P. 55(b), alleging the time for defendant’s response expired. Despite the Clerk’s entry of default, ECP’s subsequent filing of an amended complaint, moots the motion. It is well established that an amended pleading supersedes an original

pleading and renders it of no legal effect. *See* 6 Wright, Miller & Kane, Federal Practice and Procedure § 1476 (2d ed. 2009) (“Once an amended pleading is interposed, the original pleading no longer performs any function in the case and any subsequent motion made by an opposing party should be directed at the amended pleading.”). ECP’s motion is denied.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, NY
December 10, 2015