

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:17-CV-00604-FL

STACEY MONROE, Administrator for the)
Estate of Erline Freeman)

Plaintiff,)

v.)

TAURUS HOLDINGS, INC., TAURUS)
INTERNATIONAL MANUFACTURING,)
INC., and FORJAS TAURUS, S.A.,)

Defendants.

ORDER

This matter comes now before the court upon defendants Taurus Holdings Inc. and Taurus International Manufacturing Inc.’s (together the “Taurus defendants”) motion to dismiss. (DE 16). Also before the court is defendant Forjas Taurus, S.A.’s motion to dismiss. (DE 25).

As a general rule, “an amended pleading ordinarily supersedes the original and renders it of no legal effect.” Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (internal quotations omitted); see also 6 Charles Alan Wright, et al., Fed. Prac. & Proc. § 1476 (3d ed. 1998) (“A pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified. . . . Once an amended pleading is interposed, the original pleading no longer performs any function in the case”).

As relevant here, plaintiff filed complaint on December 12, 2017. (DE 6).¹ On January 8, 2018, the Taurus defendants filed the instant motion to dismiss, or alternative motion for more definite statement. On January 30, 2018, plaintiff filed amended complaint. (DE 20).² Defendant Forjas filed its motion to dismiss on February 12, 2018. (DE 25).

Where plaintiff amended her complaint after the Taurus defendants filed the instant motion, said motion, (DE 16), is DENIED as MOOT. Although defendant Forjas filed its motion to dismiss after plaintiff filed amended complaint, where that motion is based on plaintiff's original complaint, that motion, (DE 25) is also DENIED as MOOT. (See DE 26, p. 2) (referencing plaintiff's complaint docketed at DE 6).

SO ORDERED, this the 14th day of February, 2018.


LOUISE W. FLANAGAN
United States District Judge

¹ Plaintiff initiated this action on December 8, 2017. That same date, the court noticed plaintiff of certain deficiencies with her complaint and summons. In response to the court's notice, plaintiff ultimately filed a corrected complaint on December 12, 2017. (DE 6). The corrected complaint is identified on the docket as an amended complaint, however, it is plaintiff's original pleading.

² Plaintiff filed duplicate amended complaints on January 30, 2018. (DE 18, 20). The amended pleadings are substantively identical.