


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

NO. 7:18-CV-117-FL

HEALTH & BEAUTY)	
TECHNOLOGIES, INC.; and MEDI-)	
BUILD INTERNATIONAL, CORP.,)	
)	
Plaintiffs,)	ORDER
)	
v.)	
)	
MERZ PHARMA GMBH KGAA; and)	
MERZ NORTH AMERICA, INC.,)	
)	
Defendants.)	

This matter is before the court on plaintiffs' motion (DE 179) to amend complaint. Upon careful review of the motion, defendants' response in opposition, and reply thereto, plaintiffs' motion is GRANTED. Defendants have not demonstrated that the proposed amended complaint is prejudicial, in bad faith, or futile, under the circumstances of this case. See Foman v. Davis, 371 U.S. 178, 182 (1962); Laber v. Harvey, 438 F.3d 404, 426-27 (4th Cir. 2006) (en banc). Therefore, the court in its discretion allows plaintiffs' motion. Plaintiffs are DIRECTED to file their proposed second amended complaint within **two days** of the date of this order. In addition, where 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), in anticipation of filing second amended complaint in light of this order, the court DENIES WITHOUT PREJUDICE defendants' motion to dismiss first amended complaint (DE 145, 149).

SO ORDERED, this the 28th day of November, 2018.


 LOUISE W. FLANAGAN
 United States District Judge