

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

1:11cv67

SYNOVUS BANK,)
)
 Plaintiff,)
)
 v.)
)
 ROBERT GILLIAND and JOSEPHINE)
 GILLIAND,)
)
 Defendants.)
 _____)

ORDER

In their Answer to Plaintiff’s Complaint, Defendants asserted Counterclaims and a Third Party Complaint. Plaintiff then moved to strike the Third Party Complaint [# 12] and moved to dismiss the Counterclaims [# 14]. Within twenty-one days of the filing of the Motion to Dismiss, Defendants filed an Amended Answer, which they were allowed to do as a matter of course. See Fed. R. Civ. P. 15(a). The Amended Answer, however, supercedes the original Answer, Counterclaims, and Third Party Complaint. Accordingly, the Court **DENIES as moot** the Motion to Dismiss Counterclaims [# 14] and Motion to Strike Answer to Complaint [# 12].

Signed: August 2, 2011



Dennis L. Howell
United States Magistrate Judge

