

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00332-MR-WCM

STATE FARM LIFE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.)
)
SHARON ROGERS;)
EMILY HARVEY; and)
KYLE ROGERS,)
)
Defendants.)

ORDER

This matter is before the Court on a Motion to Dismiss (Doc. 15), by which Defendant Sharon Rogers moves to dismiss a cross claim filed by Defendants Emily Harvey and Kyle Rogers.

On November 15, 2023, State Farm Life Insurance Company (“Plaintiff”) filed an Interpleader Complaint against all Defendants. The dispute pertains to the payment of the proceeds of a life insurance policy previously held by Thomas Harmon Rogers (the “Policy”). Doc. 1.

On January 8, 2024, Emily Harvey and Kyle Rogers filed an answer to Plaintiff’s Complaint, as well as a cross claim against Sharon Rogers (the

“Cross Claim,” Doc. 11).¹

On January 19, 2024, Sharon Rogers filed a Motion to Dismiss the Cross Claim. Docs. 15, 16.

On January 24, 2024, Emily Harvey and Kyle Rogers filed an amended answer and cross claim against Sharon Rogers (the “Amended Cross Claim,” Doc. 17).

On February 6, 2024, Sharon Rogers answered the Amended Cross Claim. Doc. 20.

“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.” Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Ledford v. Eastern Band of Cherokee Indians, No. 1:20-CV-005-

¹ Sharon Rogers has also filed an answer to Plaintiff’s Complaint and a cross claim against Emily Harvey and Kyle Rogers. Doc. 14. Emily Harvey and Kyle Rogers have answered Sharon Rogers’ cross claim. Doc. 19.

MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) (“It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot”).

IT IS THEREFORE ORDERED that the Motion to Dismiss (Doc. 15) is **DENIED AS MOOT AS A MATTER OF LAW.**

Signed: February 6, 2024



W. Carleton Metcalf
United States Magistrate Judge

