

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-cv-11-RJC-DLH

ELENA M. DAVID; ARLEEN J. STACH;)
and VICTOR M. HERNANDEZ,)

Plaintiffs,)

v.)

J. STEELE ALPHIN; AMY WOODS)
BRINKLEY; EDWARD J. BROWN, III;)
CHARLES J. COOLEY; RICHARD M.)
DeMARTINI; BARBARA J. DESOER;)
JAMES H. HANCE; LIAM E. McGEE;)
EUGENE M. McQUADE; ALVARO G. de)
MOLINA; MICHAEL E. O'NEILL; OWEN)
G. SHELL, JR.; R. EUGENE TAYLOR; F.)
WILLIAM VANDIVER, JR.; BRADFORD H.)
WARNER; CHARLES W. COKER;)
STEVEN JONES; KENNETH D. LEWIS;)
BANK OF AMERICA CORPORATION; and)
BANK OF AMERICA CORPORATION)
CORPORATE BENEFITS COMMITTEE,)

Defendants.)

ORDER

THIS MATTER is before the Court on the Plaintiffs' Motion for Leave to Amend Complaint (Doc. No. 207) and the related briefs and exhibits. For good cause shown, the Court will grant the Plaintiffs' motion.

It is well-settled that an amended pleading supersedes the pleading it modifies, and that motions directed at superseded pleadings are to be denied as moot. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no legal effect). As the Defendants' pending Motion for Summary Judgment on Statute of Limitations

Grounds (Doc. No. 166) is directed at the Plaintiffs' now-superseded Second Amended Class Action Complaint, that motion must be denied as moot.

IT IS, THEREFORE, ORDERED that:

1. Plaintiffs' Motion for Leave to Amend Complaint (Doc. No. 207) is **GRANTED**;
and
2. Defendants' Motion for Summary Judgment on Statute of Limitations Grounds (Doc. No. 166) and Plaintiffs' Motion for Leave to File Sur-Reply Brief in Opposition to Defendants' Motion for Summary Judgment (Doc. No. 211) are **DENIED as moot**.

Signed: November 18, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

