

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:09-cv-00502-FDW-DLH**

JOHN CHUBIRKO,

Plaintiff,

v.

**BETTER BUSINESS BUREAU OF
SOUTHERN PIEDMONT, INC., et al.,**

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte* following Plaintiff's filing an amended complaint on June 30, 2010. (Doc. No. 157). On June 17, 2010, the Court granted Plaintiff's motion for leave to amend his complaint and directed Defendants to timely refile responsive pleadings following receipt of Plaintiff's amended complaint. (Doc. No. 156). It appears that all Defendants have refiled their responsive pleadings. The Court will treat Defendant The Procter & Gamble Company's Notice (Doc. No. 166) renewing its previously filed motion to dismiss as a separate motion. Accordingly, the Clerk is directed to convert this Notice (Doc. No. 166) to a pending motion on CM/ECF.¹

It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at the superseded pleadings are to be denied as moot. See generally Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Colin v. Marconi Commerce Sys. Employees' Ret. Plan, 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002).

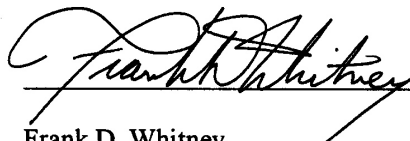
¹The Court previously notified Plaintiff on August 2, 2010, that Plaintiff should file a response to the pending motions to dismiss (Docs. Nos. 158, 161, 165, 166 (renewing motion Doc. No. 120), 167, 169, 171) by Monday, August 23, 2010. This order has no impact on Plaintiff's deadline for responding to these pending motions.

IT IS THEREFORE, ORDERED that the following motions are DENIED as moot:
Motion to Dismiss by Quaker Oats (Doc. No. 19); Motion to Dismiss by the Better Business Bureau of Southern Piedmont, Inc., and the Council of Better Business Bureaus, Inc., (Doc. No. 50); Motion to Dismiss by Hewlett-Packard (Doc. No. 55); Motion to Dismiss by Sue Breckenridge (Doc. No. 74); Motion to Dismiss by Jay Ashendorf (Doc. No. 76); Motion to Dismiss by The Procter and Gamble Company (Doc. No. 120); Joint Motion to Dismiss by Coca Cola Company, Ford Motor Company, Hershey Foods, Inc., Hewlett-Packard, International Business Machines, Inc., Kraft Foods, and Visa, Inc. (Doc. No. 122); Motion to Dismiss by Verizon Communications (Doc. No. 124); Motion to Dismiss by McKinsey and Co. (Doc. No. 127); Motion to Dismiss by Quaker Oats (Doc. No. 129); Motion to Dismiss by Kimberly-Clark (Doc. No.132); and Motion to Dismiss by General Mills, Inc. (Doc. No. 140).

The Clerk is directed to send a copy of this Order to Plaintiff at 1362 Poplar Glen Drive, Kannapolis, NC 28083, which is Plaintiff's address of record, and to counsel for the Defendants.

IT IS SO ORDERED.

Signed: August 20, 2010


Frank D. Whitney
United States District Judge

