

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-00382-RJC-DSC**

MILDRED MOATES,)
)
 Plaintiff,)
)
 v.)
)
 LIBERTY MUTUAL GROUP INC. AND)
 LIBERTY MUTUAL INSURANCE)
 COMPANY,)
)
 Defendants.)

ORDER

THIS MATTER is before the Court on the Plaintiff’s “Motion for Leave to File Second Amended Complaint,” Doc. 19, filed July 14, 2014 and the parties’ associated briefs and exhibits, Docs. 34 and 35. This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and the Motion is ripe for determination.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(2) provides that leave to amend shall be freely given “when justice so requires.” Fed. R. Civ. P. 15(a)(2). Absent a showing of undue delay, bad faith, futility, or prejudice to the opposing party, a court should grant a party leave to amend. Foman v. Davis, 371 U.S. 178, 182 (1962); Equal Rights Center v. Niles Bolton Assocs., 602 F.3d 597, 603 (4th Cir. 2010); Laber v. Harvey, 438 F.3d 404, 426–27 (4th Cir. 2006).

The Court has carefully examined the record, the parties’ arguments, and the applicable authorities. For the reasons stated in Plaintiff’s briefs, her Motion for Leave to File Second

Amended Complaint is granted. Plaintiff shall file her Second Amended Complaint within seven (7) days of this Order.


It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint). Consequently, “Defendant’s Motion to Dismiss Plaintiff’s Claim for Unfair and Deceptive Trade Practices,” Doc. 26, which is directed at Plaintiff’s First Amended Complaint, is administratively DENIED as moot without prejudice

IT IS HEREBY ORDERED that:

1. Plaintiff’s “Motion for Leave to File Second Amended Complaint,” Doc. 19, is GRANTED.
2. “Defendant’s Motion to Dismiss Plaintiff’s Claim for Unfair and Deceptive Trade Practices,” Doc. 26, is administratively DENIED as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: August 8, 2014



David S. Cayer
United States Magistrate Judge

