

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO: 3:14-CV-20-RJC-DSC**

**VERONIQUE K. PONGO, et. al.,**            )  
  )  
                  **Plaintiffs,**                            )  
  )  
                  **v.**    )  
  )  
**BANK OF AMERICA, et. al.,**            )  
  )  
                  **Defendants.**                            )

**ORDER**

**THIS MATTER** is before the Court on Defendants’ respective “Motion[s] to Dismiss” (documents ##3, 17 and 26) and Plaintiffs’ “Motion for Leave to File An Amended Complaint” (document #27).

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), and these Motions are now ripe for the Court’s determination.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B) (emphasis added). Plaintiffs filed their Motion on May 9, 2014, two days after Defendant Eagle Adjustment Service, Inc. filed its Motion to Dismiss. For that reason, Plaintiffs’ “Motion for Leave to File An Amended Complaint” will be granted.

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motions directed at superseded pleadings are to be denied as moot.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Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

**IT IS HEREBY ORDERED** that:

1. Plaintiffs' "Motion for Leave to File An Amended Complaint" (document #27) is **GRANTED**. Plaintiffs shall file their amended complaint within fifteen days of this Order.
2. Defendants' respective "Motion[s] to Dismiss" (documents ##3, 17 and 26) are **DENIED** administratively as moot without prejudice.
3. The Clerk is directed to send copies of this Order to the pro se Plaintiffs; to defense counsel; and to the Honorable Robert J. Conrad, Jr.

**SO ORDERED.**

Signed: June 20, 2014

  
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David S. Cayer  
United States Magistrate Judge

