

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:14-CV-00368-RJC-DSC**

CONBRACO INDUSTRIES, INC.,

Plaintiff,

v.

MITSUBISHI SHINDOH CO., LTD.,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's "Motion to Dismiss" (document #13).

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), and this Motion is 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).

On August 27, 2014, Defendant filed its Motion to Dismiss. On September 12, 2014, Plaintiff filed its Consent Motion to extend time to respond to Defendant's Motion to Dismiss and/or to amend its pleading pursuant to Rule 15(a)(1). On September 15, 2014, the Court granted the Motion and extended Plaintiff's deadline through October 22, 2014. Document #21.

On October 16, 2014, Plaintiff filed a Consent Motion to extend its time to respond and/or to amend its pleading. On October 20, 2014, the Court granted Plaintiff an extension through October 29, 2014. Document #23.

Plaintiff filed its Amended Complaint on October 29, 2014.


It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot.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Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).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. Defendant's "Motion to Dismiss" (document #13) is **DENIED** administratively as moot without prejudice.
2. The Clerk is directed to send copies of this Order to the parties' counsel; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed on: 10/30/2014



David S. Cayer
United States Magistrate Judge

