

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-CV-00448-FDW-DSC**

BRIDGETREE HOLDINGS, INC., and)
MARK BECK,)
)
Plaintiffs,)
)
vs.)
)
DANIEL ROSELLI,)
CUSTOMERSTREAM, INC., and JEFF)
DEWALD,)
)
Defendants.)

ORDER

THIS MATTER is before the Court on Defendant Daniel Roselli’s Motion to Dismiss Case as Frivolous and Motion to Dismiss for Failure to State a Claim. (Doc. No. 14). For the reasons stated below, Defendant’s Motions to Dismiss are DENIED.

On September 11, 2014, Defendant Roselli filed Motions to Dismiss Case as Frivolous and for Failure to State a Claim. (Doc. No. 14). On September 29, 2014, Plaintiffs filed an Amended Complaint. (Doc. No. 19). It is well-established that an amended complaint supersedes the original pleading and renders moot any motions to dismiss made pursuant to the original pleading. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001).

Therefore, Defendant Roselli’s Motion to Dismiss Case as Frivolous and Motion to Dismiss for Failure to State a Claim filed pursuant to Plaintiff’s original complaint (Doc. No. 14) are DENIED WITHOUT PREJUDICE and DISMISSED AS MOOT.

Additionally, the Court has been informed that there is a disagreement among the parties as to whether joinder of the issues has occurred in light of the Amended Complaint. Accordingly, the parties are directed to re-conduct the Rule 26(f) conference after answers and responses to the

Amended Complaint are filed.

IT IS SO ORDERED.

Signed: September 30, 2014

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

