

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00784-MOC-DSC

TONY D. WOODS,)
)
 Plaintiff,)
)
 Vs.) **ORDER**
)
 BANK OF AMERICA CORPORATION)
 BANK OF AMERICA GROUP BENEFITS)
 PROGRAM,)
 Defendant.)

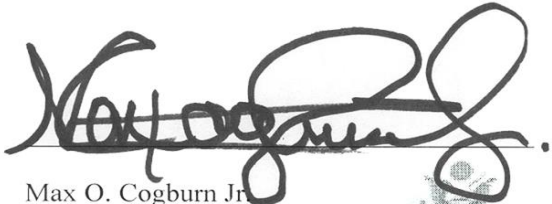
THIS MATTER is before the court on defendants’ Motion to Dismiss the State Law Claims and Motion to Strike the Jury Demand and Damages Claims (#9). Having considered the Motion (#9) and reviewed the pleadings, the court enters the following Order.

Subsequent to the filing of the Motion, plaintiff filed a first Amended Complaint (#20) in this matter. The defendants’ Answer, or Answers, is, or are, not due until March 2017 according to a recent Order (#24). The plaintiff avers that the original Complaint has been amended to address the concerns of the defendants’ Motion. Plaintiff Response (#21) at 2. *Inter alia*, the Amended Complaint has removed the jury demand and “reconfigure[d] the requests for relief.” Id. Accordingly, the defendants’ Motion has been rendered moot by the amendments to the Complaint.

ORDER

IT IS, THEREFORE, ORDERED that defendants' Motion to Dismiss the State Law Claims and Motion to Strike the Jury Demand and Damages Claims (#9) is **DENIED**, without prejudice, as **MOOT**. The defendants may reassert their Rule 12(b)(6) Motion after the filing of the Answer, or Answers, to the First Amended Complaint (#20).

Signed: March 13, 2017



Max O. Cogburn Jr.
United States District Judge