

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:18-CV-00273-RJC-DSC**

CS TECHNOLOGY INC. AND)
SITEHANDS INC.,)
)
Plaintiffs,)
)
v.)
)
HORIZON RIVER TECHNOLOGIES,)
LLC,)
)
Defendant.)

ORDER

THIS MATTER is before the Court on “[Defendant-]Counterclaim Plaintiff’s Motion for Leave to Amend and Supplement Counterclaim” (document # 61) and the parties’ briefs and exhibits. “Plaintiffs-Counterclaim Defendants’ Motion for Judgment on the Pleadings” (document #56) is pending before the presiding District Judge.

The Fourth Circuit has held that leave to amend a pleading should be granted unless (1) “the amendment would be prejudicial to the opposing party,” (2) “the moving party has acted in bad faith,” or (3) “the amendment would be futile.” Equal Rights Ctr. v. Niles Bolton Assocs., 602 F.3d 597, 603 (4th Cir. 2010). Plaintiffs-Counterclaim Defendants oppose the Motion contending that Defendant-Counterclaim Plaintiff’s RICO claim is futile.

For the reasons stated in Counterclaim Plaintiff’s briefs, its “Motion for Leave to Amend and Supplement Counterclaim” (document # 61) is **GRANTED**. Counterclaim Plaintiff shall file its Amended and Supplemental Counterclaim within five days of this Order.

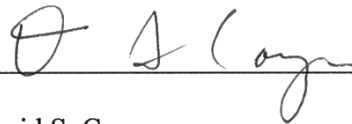
It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE FURTHER ORDERED that “Plaintiffs-Counterclaim Defendants’ Motion for Judgment on the Pleadings” (document #56) is administratively **DENIED** as moot without prejudice.

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: May 30, 2019



David S. Cayer
United States Magistrate Judge

