

**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 “Plaintiffs-Counterclaim Defendants’ Motion to Dismiss Count V” (document #72), “[Defendant-]Counterclaim Plaintiff’s Second Motion for Leave to Amend and Supplement Counterclaim” (document # 77) and the parties’ briefs and exhibits.

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 arguing that Defendant-Counterclaim Plaintiff’s proposed amendment is prejudicial, futile and offered in bad faith.

For the reasons stated in Counterclaim Plaintiff’s briefs, its “Second Motion for Leave to Amend and Supplement Counterclaim” (document # 77) is **GRANTED**. Counterclaim Plaintiff shall file its Amended and Supplemental Counterclaim within five days of this Order.

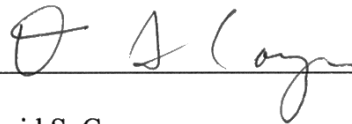
It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).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 to Dismiss Count V” (document #72) 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: August 8, 2019



David S. Cayer  
United States Magistrate Judge

