

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

<p>THERESA M. HARE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>THE CLEVELAND CLINIC FOUNDATION,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 1:11-CV-825</p> <p>Judge Dan Aaron Polster</p> <p><u>MEMORANDUM OF OPINION</u></p> <p><u>AND ORDER</u></p>
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On August 26, 2011, Defendant Cleveland Clinic filed a Motion to Dismiss (Doc. # 5) Plaintiff Theresa M. Hare's complaint. On November 29, 2011, Plaintiff filed, with the Court's permission, an Amended Complaint (Doc. # 10). An amended complaint supersedes the original complaint and becomes the operative pleading, making a motion to dismiss the original complaint moot. Ky. Press Ass'n v. State, 355 F. Supp. 2d 853, 857 (E.D. Ky. 2005) (citing Parry v. Mohawk Motors of Mich., Inc., 236 F.3d 299, 306 (6th Cir. 2000)). Accordingly, Defendant's Motion to Dismiss (Doc. # 5) is hereby denied as moot.

That being said, since the Court previously ordered that all deadlines be tolled indefinitely, Defendant need not respond to Plaintiff's amended complaint at this time.

IT IS SO ORDERED.

/s/ Dan A. Polster 1/20/12
Dan Aaron Polster
United States District Judge