

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

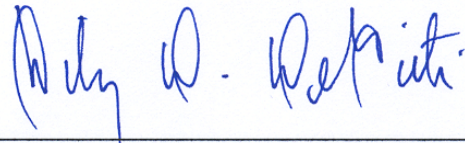
DAVID RODNEY BEAVERS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-11-1442-D
	)	
LENNIERE VICTORIAN, <i>et al.</i> ,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
GREAT WESTERN LEASING & SALES, INC.,	)	
	)	
Third Party Plaintiff,	)	
	)	
v.	)	
	)	
JFM SERVICES, INC., <i>et al.</i> ,	)	
	)	
Third Party Defendants.	)	

**ORDER**

On September 25, 2012, Plaintiffs filed their Second Amended Complaint, which supersedes the First Amended Complaint. *See Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Certain defendants had filed motions seeking dismissal or partial dismissal of the First Amended Complaint under Fed. R. Civ. P. 12(b)(6). *See* Def. Bee-Line Delivery Service, Inc.’s Partial Mot. Dism. [Doc. No. 111]; Mot. Dism. of Defs. Gulf Delivery Sys., Inc. and Bee-Line Transp. Inc. [Doc. No. 121]. Subsequently, the movants filed motions in response to the Second Amended Complaint that simply incorporate by reference their previous arguments. *See* Def. Bee-Line Delivery Service, Inc.’s Partial Mot. Dism. [Doc. No. 155]; Defs. Gulf Delivery Sys., Inc. and Bee-Line Transp. Inc.’s Mot. Dism. [Doc. No. 156]. Accordingly, because the movants’ arguments for dismissal will be considered in ruling on subsequent motions, the Court finds their initial motions are moot.

IT IS THEREFORE ORDERED that Defendant Bee-Line Delivery Service, Inc.'s Partial Motion to Dismiss [Doc. No. 111] and the Motion to Dismiss of Defendants Gulf Delivery Systems, Inc. [Doc. No. 121] are DENIED, as set forth herein.

IT IS SO ORDERED this 28<sup>th</sup> day of November, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE