

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

United States of America, *ex rel.*)
 Tracy Martin,)
)
 Plaintiff,)
)
 vs.)
)
 Palmetto Brookview Operating L.L.C.,)
 d/b/a Brookview Healthcare Center,)
 Palmetto Health Care, L.L.C., Millenium)
 Management, L.L.C., and Functional)
 Pathways of Tennessee L.L.C.,)
)
 Defendants.)

C.A. No. 7:15-0556-HMH

OPINION & ORDER

This matter is before the court on Defendant Functional Pathways, L.L.C.’s (“Functional Pathways”) and Defendants Palmetto Brookview Operating, L.L.C. d/b/a Brookview Healthcare Center (“Brookview”) and Palmetto Health Care, L.L.C.’s (“Palmetto”) motions to dismiss Plaintiff Tracy Martin’s (“Martin”) claims against them pursuant to Rules 9(b) and 12(b) of the Federal Rules of Civil Procedure, and Defendants Brookview, Palmetto, and Millennium Management, L.L.C.’s (“Millennium”) consent motion for an extension of time to answer the amended complaint or otherwise move pursuant to Rule 6(b) of the Federal Rules of Civil Procedure.

An amended complaint ordinarily supersedes the original and renders it of no legal effect. Young v. City of Mount Rainier, 238 F.3d 567, 573 (4th Cir. 2001). “Thus, a defendant’s previous motion to dismiss is rendered moot when a plaintiff files an amended complaint.” Sennott v. Adams, No. 6:13-cv-02813-GRA, 2014 WL 2434745, at *3 (D.S.C.

May 29, 2014) (unpublished). In this case, Functional Pathways filed a motion to dismiss on March 15, 2016, (Def. Mot. Dismiss, ECF No. 37), and Brookview and Palmetto filed a motion to dismiss on March 20, 2016, (Defs. Mot. Dismiss, ECF No. 38). On April 8, 2016, Martin responded by amending her complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure. (Am. Compl., ECF No. 41.) On April 25, 2016, Functional Pathways filed a second motion to dismiss. (Def. Mot. Dismiss, ECF No. 46.) Based on the foregoing, Functional Pathways' first motion to dismiss and Brookview and Palmetto's motion to dismiss are rendered moot.

Further, on April 26, 2016, Brookview, Palmetto, and Millennium filed a motion for an extension of time until July 6, 2016, to respond to the amended complaint. (Consent Mot. Ext. Time, ECF No. 47.) After carefully reviewing their request, the court grants Brookview, Palmetto, and Millennium's motion until June 10, 2016, to respond to the amended complaint or otherwise move.

It is therefore

ORDERED that Defendant Functional Pathways' motion to dismiss, docket number 37, is dismissed as moot. It is further

ORDERED that Defendants Brookview and Palmetto's motion to dismiss, docket number 38, is dismissed as moot. It is further

ORDERED that Defendants Brookview, Palmetto, and Millennium's consent motion for an extension of time, docket number 47, is granted in part and denied in part and the time to respond to the amended complaint or otherwise move is extended until June 10, 2016.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
May 3, 2016