

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MELANIE ALSBROOK,)	
)	
Plaintiff,)	
)	
v.)	2:13-cv-02067-JPM-cgc
)	
RECONTRUST COMPANY, N.A., and)	
BANK OF AMERICA CORPORATION,)	
)	
Defendants.)	

**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND
AND
ORDER DENYING AS MOOT DEFENDANT'S MOTION TO DISMISS**

Before the Court is Plaintiff's Motion to Amend First Amended Complaint, filed April 25, 2013. (ECF No. 13.) Plaintiff's Motion is unopposed. (See ECF No. 13-4 at 1.) Pursuant to Federal Rule of Civil Procedure 15, the Court hereby GRANTS Plaintiff's Motion to Amend. Plaintiff is DIRECTED to submit and docket separately her Second Amended Complaint.

This Court has held that an amended complaint supersedes the original complaint, "render[ing] the initial pleading a nullity." Carbon Processing & Reclamation, LLC v. Valero Mktg. & Supply Co., No. 09-2127-STA-cgc, 2009 WL 2369298, at *3 (W.D. Tenn. July 30, 2009). Additionally, "[c]ourts in this Circuit and others will deny motions to dismiss a complaint as moot after a plaintiff subsequently files an amended complaint." Id.

at *3 & n.12. Defendants' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), was filed February 20, 2013. (ECF No. 6.) Plaintiff filed her First Amended Complaint on January 9, 2013 (see ECF No. 1-4) and her Second Amended Complaint on April 25, 2013 (see ECF No. 13-1). Defendants' Motion to Dismiss was filed in response to Plaintiff's First Amended Complaint. (See ECF No. 6-1.) Plaintiff has included additional facts, contracts, and a new cause of action for breach of contract in her Second Amended Complaint. (See ECF No. 13-2; ECF No. 13 at 2.) Therefore, Defendants' Motion to Dismiss is DENIED AS MOOT.

SO ORDERED this 30th day of April, 2013.

s/ Jon P. McCalla
JON P. McCALLA
CHIEF U.S. DISTRICT JUDGE