UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEPHANIE WOODCOCK,

Plaintiff,

v.

JOHNSON & JOHNSON, and ETHICON, INC.,

Defendants.

No. 1:20-cv-03100-SMJ

ORDER DENYING MOTION TO DISMISS AS MOOT

Before the Court, without oral argument, is Defendants' Motion to Dismiss Plaintiff's Complaint, ECF No. 11. The Court denies that motion as moot.

Plaintiff sued Defendants on July 9, 2020. ECF No. 1. Defendants moved to dismiss on September 22, 2020 and set a hearing without oral argument for November 12, 2020. ECF No. 11. Four separate times, the parties stipulated and requested for the Court to amend briefing schedule and reset the noting date, which the Court granted each time. *See generally* ECF Nos. 16, 18, 20 & 22. The Court also granted Plaintiff's request for leave to file her First Amended Complaint. ECF Nos. 23, 24 & 26.

Under Federal Rule of Civil Procedure 15(a)(2), after the time for amending

a pleading as a matter of course has passed, "a party may amend its pleading only with the opposing party's written consent or the court's leave." An amended complaint supersedes the original complaint and renders it without legal effect. *E.g.*, *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012); *Rhodes v. Robinson*, 621 F.3d 1002, 1005 (9th Cir. 2010) ("As a general rule, when a plaintiff files an amended complaint, [t]he amended complaint supersedes the original, the latter being treated thereafter as non-existent.") (internal citation and quotation marks omitted). The parties (and the Court) must therefore treat the original pleading Plaintiff filed as nonexistent. *See id.* The Court thus denies Defendants' motion to dismiss as moot. *See also Huang v. Genesis Glob. Hardware, Inc.*, No. 2:20-cv-1713-JAM-KJN-PS, 2020 WL 6318206, at *1 (E.D. Cal. Oct. 28, 2020) (collecting cases).

Accordingly, **IT IS HEREBY ORDERED**:

Defendants' Motion to Dismiss Plaintiff's Complaint, **ECF No. 11**, is **DENIED AS MOOT**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 17th day of February 2021.

SALVADOR MENDOZA, JR.
United States District Judge