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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 BRETT CALDWELL,

11 Plaintiff,

12 v.

13 THE BOEING COMPANY, et al.,

14 Defendants.

CASE NO. C17-1741JLR

ORDER DENYING MOTION AS  
MOOT

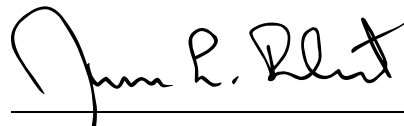
15 Before the court is Defendant The Boeing Company's ("Boeing") motion to  
16 dismiss the complaint. (Mot. (Dkt. # 19).) Boeing filed its motion to dismiss on January  
17 12, 2018. (*See id.*) Instead of filing a response to the motion, Plaintiff Bret Caldwell  
18 filed an amended complaint on February 9, 2018. (*See* FAC (Dkt. # 22).) On February  
19 13, 2018, the parties stipulated to the filing of Mr. Caldwell's second amended complaint,  
20 and Mr. Caldwell filed his second amended complaint on that same day. (*See* Stip. (Dkt.  
21 # 23); SAC (Dkt. # 24).) Under Federal Rule of Civil Procedure 15(a)(2), "a party may

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1 amend its pleading . . . with the opposing party’s written consent.” *See* Fed. R. Civ. P.  
2 15(a)(2). Thus, Mr. Caldwell properly filed his second amended complaint.

3 “[T]he general rule is that an amended complaint supercedes the original  
4 complaint and renders it without legal effect.” *Lacey v. Maricopa Cty.*, 693 F.3d 896,  
5 927 (9th Cir. 2012). This rule applies in the context of a voluntarily filed amended  
6 complaint. *See id.* at 928. Thus, Mr. Caldwell’s second amended complaint supersedes  
7 his original complaint, and the court DENIES Boeing’s motion to dismiss the original  
8 complaint as moot (Dkt. # 19). *See Patterson v. Ryan*, No. CV 05-1159-PHX-PGR  
9 (MHB), 2010 WL 4134980, at \*2 (D. Ariz. Oct. 13, 2010) (denying a motion to dismiss  
10 the original complaint as moot based on the filing of an amended complaint).

11 Dated this 26th day of March, 2018.

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14 JAMES L. ROBART  
15 United States District Judge  
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