

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

NYOKA WURTS, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:19-cv-00100

BRANCH BANKING AND TRUST COMPANY,

Defendant.

MEMORANDUM OPINION AND ORDER

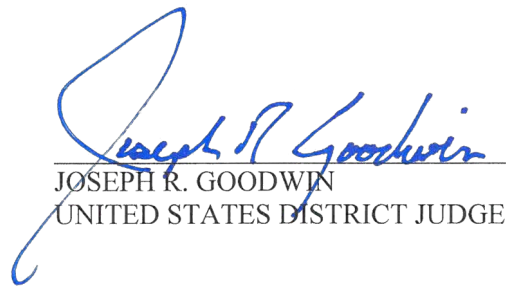
Pending before the court is the defendant's Motion for Summary Judgment. [ECF No. 5]. For the reasons stated below, the Motion is **DENIED as moot**.

On February 15, 2019, Defendant Branch Banking and Trust Company ("BB&T") filed a Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. On March 7, 2019, Plaintiff Nyoka Wurts, as the Administrator of the Estate of Sally Kay, filed an amended Complaint without leave of court pursuant to Rule 15 (a)(1)(B) of the Federal Rules of Civil Procedure.

"As a general rule, 'an amended pleading ordinarily supersedes the original and renders it of no legal effect.'" *Young v. City of Mt. Ranier*, 238 F.3d 567, 572 (4th Cir. 2001) (quoting *In re Crysen/Montenay Energy Co.*, 226 F.3d 160, 162 (2d Cir. 2000)).

Here, the plaintiff's amended Complaint supersedes the original Complaint and now controls. Accordingly, the Defendant's Summary Judgment Motion based on the original Complaint is **DENIED as moot**. The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party.

ENTER: August 20, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE