

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 18-cv-02074-WYD-STV

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and
JACK PHILLIPS,

Plaintiffs,

v.

AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;
ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official and individual capacities;
CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official and individual capacities;
RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official and individual capacities;
JESSICA POCOCK, as member of the Colorado Civil Rights Commission, in her official and individual capacities;
AJAY MENON, as member of the Colorado Civil Rights Commission, in his official and individual capacities
CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and
JOHN HICKENLOOPER, Colorado Governor, in his official capacity,

Defendants.

MINUTE ORDER

ORDER ENTERED BY SENIOR JUDGE WILEY Y. DANIEL

On October 23, 2018, Plaintiffs filed a First Amended Complaint (ECF No. 51) pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) which allows a party to “amend its pleading once as a matter of course within: . . . 21 days after service of a motion under Rule 12(b).” Therefore, Defendants’ Rule 12(b)(1) Motion to Dismiss (ECF No. 43), filed on October 10, 2018, is **DENIED AS MOOT**. See *Gotfredson v. Larsen LP*, 432 F. Supp. 2d 1163, 1172 (D. Colo. 2006) (observing that an amended pleading supersedes the pleading it modifies, thereby mooting any motions to dismiss directed at the inoperative pleading); *Strich v. U.S.*, 2010 WL 148269, at *1 (D. Colo. Jan. 11, 2010) (“The filing of an amended complaint moots a motion to dismiss directed at the complaint that is supplanted and superseded.”).

Dated: October 24, 2018.