

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANIEL C. SPEARS, JR.,

Plaintiff,

v.

Case No: 2:18-cv-286-FtM-38MRM

SHK CONSULTING AND
DEVELOPMENT, INC., LAKE RED
ROCK LLC and DAVID B.
NIRENBERG,

Defendants.

ORDER¹

Before the Court are Defendant David Nirenberg's and Defendant SHK Consulting and Development, Inc.'s motions to dismiss the Complaint. ([Doc. 15](#); [Doc. 18](#)). Plaintiff Daniel C. Spears has since filed an Amended Complaint. ([Doc. 31](#)). Because the Amended Complaint is the operative pleading, the Court denies Defendants' motions to dismiss as moot. See [Malowney v. Fed. Collection Deposit Grp.](#), 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (noting, "[a]n amended complaint supersedes an original complaint" (citation omitted)).

Accordingly, it is now

ORDERED:


(1) Defendant David Nirenberg's Motion to Dismiss ([Doc. 15](#)) is **DENIED as moot**.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

(2) Defendant SHK Consulting and Development, Inc.'s Motion to Dismiss ([Doc. 18](#)) is **DENIED as moot**.

(3) Defendants have on or before **August 8, 2018**, to respond to the Amended Complaint.

DONE and **ORDERED** in Fort Myers, Florida this 25th day of July 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record