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United States District Court
Central District of California

JANE ROE 6 et al.

Plaintiffs,

v.

INTERNATIONAL CHURCHES OF CHRIST, INC. et al.,

Defendants.

Case № 2:23-cv-00999-ODW (PLAx)

ORDER DENYING MOTION TO DISMISS AS MOOT [51]

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On May 31, 2023, Defendants Alberto Schirmer and Anna Maria Schirmer filed a motion to dismiss Plaintiffs Jane Roe 6 and Jane Roe 7's Complaint pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(6). (ECF No. 51.) On June 16, 2023, Plaintiffs filed a First Amended Complaint, less than twenty-one days after Defendants filed their motion. (ECF No. 57.) Rule 15(a)(1) allows Plaintiffs to file an amended complaint once as a matter of course within twenty-one days of service of a Rule 12(b) motion. Therefore, Plaintiffs' amended complaint was proper under the Rules. As the pending motion to dismiss is based on a complaint that is no longer operative, the motion is **DENIED** as **MOOT**. (ECF No. 51.) *See Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015).

IT IS SO ORDERED.

June 23, 2023

OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE