

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Wright v. Ulta Salon, Cosmetics & Fragrance, Inc.

Wright · No. 22-cv-1954-BAS-BLM · Decided March 7, 2023

SUMMARY

The United States District Court for the Southern District of California denied Ulta Salon, Cosmetics & Fragrance, Inc.'s motion to dismiss as moot. The court held that Plaintiff Joan Wright's amended complaint, filed as of right under Federal Rule of Civil Procedure 15(a)(1)(B), superseded the original complaint and rendered the motion directed at that pleading moot. Ulta was ordered to respond to the amended complaint or request an extension under Rule 15(a)(3).

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 7, 2023
DOCKET	22-cv-1954-BAS-BLM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss the initial complaint. Before responding to the motion, Plaintiff filed an amended complaint as of right under Federal Rule of Civil Procedure 15(a)(1)(B).
PRECEDENTIAL VALUE	unpublished
PARTIES	Joan Wright v. Ulta Salon, Cosmetics & Fragrance, Inc.

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

- Whether a plaintiff's amended complaint filed as of right supersedes the original complaint and renders moot a pending motion to dismiss the original complaint.

HOLDINGS

- 1. An amended complaint that supersedes and replaces the original complaint renders moot a motion to dismiss directed at the original pleading.

KEY QUOTATIONS

“Wright’s Amended Complaint supersedes and replaces her initial Complaint and, thus, renders moot Ulta’s motion to dismiss that original pleading.” (at 1)

FACTUAL BACKGROUND

Wright filed an initial Complaint against Ulta. Ulta moved to dismiss that pleading on February 17, 2023, but Wright filed an Amended Complaint instead of opposing the motion and did so as of right under Rule 15(a)(1)(B).

PROCEDURAL HISTORY

Ulta moved to dismiss Wright's initial Complaint. Wright then filed an Amended Complaint without seeking leave of court. The court held that the amended pleading superseded the initial Complaint, rendered the motion to dismiss moot, denied the motion as moot, and ordered Ulta to respond to the Amended Complaint or request an extension under Rule 15(a)(3).

DISPOSITION

other

CASES CITED

- Forsyth v. Humana, Inc., 114 F.3d 1467, 1474 (9th Cir. 1997)
- Lacey v. Maricopa Cnty., 693 F.3d 896, 928 (9th Cir. 2012)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF CALIFORNIA 10 11 JOAN WRIGHT, Case No. 22-cv-1954-BAS-BLM 12 Plaintiff, ORDER DENYING MOTION TO 13 v. DISMISS AS MOOT 14 ULTA SALON, COSMETICS & (ECF No. 7) FRAGRANCE, INC., 15 Defendant. 16 17 18 19 Defendant Ulta Salon, Cosmetics & Fragrance, Inc. (“Ulta”) moved to dismiss 20 Plaintiff Joan Wright (“Wright”)’s initial Complaint on February 17, 2023.

(ECF No. 7.) 21 Instead of opposing Ulta’s motion, Wright filed her Amended Complaint. Wright does not 22 move for leave of court to file the Amended Complaint; rather, she amends her pleading as 23 of right pursuant to Federal Rule of Civil Procedure (“Rule”) 15(a)(1)(B). Fed. R. Civ. P. 24 15(a)(1)(B) (“A party may amend its pleading once as a matter of course within...

21 25 days after service of a responsive pleading[.]”). 26 Wright’s Amended Complaint supersedes and replaces her initial Complaint and, 27 thus, renders moot Ulta’s motion to dismiss that original pleading. See Forsyth v. Humana, 28 Inc., 114 F.3d 1467, 1474 (9th Cir. 1997) (overruled on other grounds in Lacey v. 1 || Maricopa Cnty., 693 F.3d 896, 928 (9th Cir.

2012)). Accordingly, the Court DENIES AS 2 || MOOT Ulta’s Motion. (ECF No. 7.) The Court further ORDERS Ulta to respond to the 3 || Amended Complaint, or request an extension to do so, in accordance with Rule 15(a)(3). 4 IT IS SO ORDERED. /, 5 || DATED: March 7, 2023 Ypilag (Lyohaa 6 6 United States District Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28