

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that Plaintiff Joan Wright's amended complaint, filed as of right under Federal Rule of Civil Procedure 15(a)(1)(B), superseded the original complaint and rendered the motion directed at that pleading moot.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).

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