

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Menders et. al.,

Plaintiffs,

v.

Loudoun County School Board,

Defendant.

Case No. 1:21-cv-00669-AJT-TCB

**Plaintiffs' Response Brief in
Opposition to Defendant's Motion
to Dismiss**

Plaintiffs have filed a First Amended Complaint (ECF No. 30) as “a matter of course” according to Federal Rule of Civil Procedure 15(a)(1)(B). The amended complaint “supersedes the original pleading, rendering the original pleading of no effect.” *Young v. City of Mount Rainier*, 238 F.3d 567, 573 (4th Cir. 2001). When an amended complaint is filed, any motion to dismiss against the earlier complaint is moot. *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015); *Phillips v. Loudoun Cty. Pub. Schs*, No. 1:19-cv-501, 2020 U.S. Dist. LEXIS 80369, at *8 (E.D. Va. May 6, 2020); *Cortez-Melton v. Capital One Fin. Corp.*, No. 3:19cv127, 2019 U.S. Dist. LEXIS 237939, at *7 n.8 (E.D.V.A. Oct. 9, 2019). Thus, the Defendant’s motion to dismiss (ECF No. 25) should be denied as moot.

DATED: August 30, 2021.

Respectfully submitted,

/s/ Jeffrey D. Jennings

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2021, a copy of the foregoing was sent to the persons below through the Court's ECF system.

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DATED: August 30, 2021

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