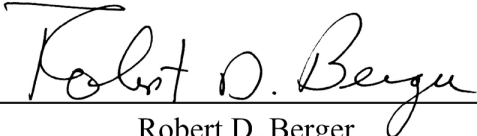


**The relief described hereinbelow is SO ORDERED.**

**SIGNED this 30th day of May, 2025.**



  
Robert D. Berger  
United States Bankruptcy Judge

---

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

In re:

**DAVID L. SCHMIDT and  
SHARON S. SCHMIDT,**

Debtors.

Case No. 24-20259  
Chapter 7

---

**DARCY D. WILLIAMSON,**  
Chapter 7 Trustee,  
Plaintiff,

Adv. No. 25-6004

v.

**ROYAL LEGAL GROUP LLC,**  
Defendant.

---

**ORDER DENYING AS MOOT DEFENDANT'S MOTION TO  
DISMISS UNDER FED. R. CIV. P. 12(b)(6)**

In response to Defendant Royal Legal Group LLC's motion to dismiss this adversary proceeding under [Fed. R. Civ. P. 12\(b\)\(6\)](#),<sup>1</sup> Plaintiff Darcy Williamson, Chapter 7 Trustee, timely filed an amended adversary complaint.<sup>2</sup> Plaintiff then also filed a response to Defendant's motion to dismiss the original complaint and a brief in support,<sup>3</sup> addressing Defendant's substantive arguments made in its motion to dismiss and asking the Court to order Defendant to file an answer to the amended complaint.

Plaintiff's amended complaint supersedes the original complaint, rendering Defendant's motion to dismiss moot "because [the motion was] directed at a pleading that is no longer operative."<sup>4</sup> Thus, the Court will not evaluate the merits of Defendant's motion to dismiss or Plaintiff's response.<sup>5</sup>

---

<sup>1</sup> [Doc. 7](#), [Fed. R. Civ. P. 12\(b\)\(6\)](#) is made applicable by [Fed. R. Bankr. P. 7012](#).

<sup>2</sup> [Doc. 17](#), [Fed. R. Civ. P. 15\(a\)\(1\)\(B\)](#), made applicable by [Fed. R. Bankr. P. 7015](#), as applicable here allows a party to amend its complaint "once as a matter of course no later than" twenty-one days after service of a motion under [Fed. R. Civ. P. 12\(b\)](#). Plaintiff timely requested and received two extensions of time to respond to Defendant's motion to dismiss. *See* Docs. 12 and 15. Plaintiff's amended complaint was filed before the most recent deadline to respond (May 29, 2025) expired.

<sup>3</sup> Docs. 18 and 19.

<sup>4</sup> *Gotfredson v. Larsen LP*, [432 F. Supp. 2d 1163, 1172](#) (D. Colo. 2006) ("A pleading that has been amended under [Federal Rule of Civil Procedure 15\(a\)](#), supersedes the pleading it modifies and remains in effect throughout the action unless it is subsequently modified.") (citing *Gilles v. United States*, [906 F.2d 1386, 1389](#) (10th Cir. 1990)); *see also Edwards v. Hanuman Corp.*, No. 1:21-CV-01180-KWR-LF, [2022 WL 1156639](#), at \*1 (D.N.M. Apr. 19, 2022) (holding the amended complaint superseded the original complaint, rendering defendant's motion to dismiss moot as it was directed at an "inoperative pleading"); *AJB Properties, Ltd. v. Zarda Bar-B-Q of Lenexa, LLC*, No. 09-2021-JWL, [2009 WL 1140185](#), at \*1-2 (D. Kan. Apr. 28, 2009) (denying as moot a motion to dismiss aimed at original complaint because an amended complaint was filed).

<sup>5</sup> With this Order the Court is neither ruling on the merits of any of the arguments contained within the parties' briefing, nor foreclosing any party from making those arguments in the future.

Further, the Court declines to separately order Defendant to respond to Plaintiff's amended complaint because Rule 15(a)(3) already requires Defendant to respond to an amended pleading "within 14 days after service of the amended pleading."<sup>6</sup>

Therefore, Defendant's motion to dismiss<sup>7</sup> is DENIED as moot, and Plaintiff's responsive pleadings thereto<sup>8</sup> will not be considered because the original complaint was superseded by the filing of the amended complaint.<sup>9</sup>

IT IS SO ORDERED.

###

---

<sup>6</sup> [Fed. R. Civ. P. 15\(a\)\(3\)](#).

<sup>7</sup> [Doc. 7](#).

<sup>8</sup> Docs. 18 and 19.

<sup>9</sup> [Doc. 17](#).