

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

THE CHRISTIAN MINISTERIAL ALLIANCE,
PATRICIA BREWER, CAROLYN BRIGGS, LYNETTE BROWN,
MABLE BYNUM, and VELMA SMITH on behalf of
themselves and all other similarly situated persons,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity as the
Secretary of State of Arkansas,

Defendant.

Civil Action

Case No. 4:23-cv-00471-DPM-DRS-JM
(three-judge court)

PLAINTIFFS' STATEMENT REGARDING DEFENDANTS' MOTION TO DISMISS

Defendants' Motion to Dismiss Plaintiffs' claims (ECF No. 17) is moot in light of Plaintiffs' Amended Complaint (ECF No. 20).

Plaintiffs filed their Complaint in this case on May 23, 2023. On July 13, 2023, Defendants filed a motion to dismiss Plaintiffs' Complaint. On July 24, 2023, Plaintiffs filed an Amended Complaint.

"[I]f a defendant files a Motion to Dismiss, and the plaintiff later files an Amended Complaint, the amended pleading renders the defendant's motion to dismiss moot." *Harris v. WEHCO Video Inc.*, 2022 WL 526352, at *8 (E.D. Ark. Feb. 22, 2022) (quoting *Oniyah v. St. Cloud State Univ.*, 655 F. Supp. 2d 948, 958 (D. Minn. 2009)); *see also Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002) (plaintiff's "motion to amend the complaint rendered moot [defendant's] motion to dismiss the original complaint"); *Arkansas Labeling, Inc. v. Proctor*, 2021 WL 4037575, at *4 (E.D. Ark. Sept. 3, 2021) ("Because the

Court is granting [plaintiff's] motion to amend . . . the Court denies as moot defendants' motion to dismiss [plaintiffs' former complaint]."). Even "[a] motion to amend a complaint 'render[s] moot' any pending motions to dismiss on the previous complaint." *Old Republic Nat. Title Ins. Co. v. Green Cty. Abstract & Title Co., LLC*, 2009 WL 2913511, at *1 (E.D. Ark. Sept. 8, 2009) (quoting *Pure Country*, 312 F.3d at 956).

Because Defendants' Motion to Dismiss Plaintiffs' original Complaint is moot, Plaintiffs do not intend to file a substantive response to Defendants' Motion to Dismiss as previously scheduled.

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