

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

**PATRICIA GEIGER, and
MICHELLE HUNGET,**

Plaintiffs,

v.

**SISTERS OF CHARITY OF LEVENWORTH
HEALTH SYSTEM, INC., *et al.*,**

Defendants.

Case No. 14-2378

MEMORANDUM AND ORDER

The matter before the court is a motion to dismiss (Doc. 23) filed on September 22, 2014 by defendants Prime Healthcare Services, Inc., Prime Healthcare Services-Saint John Leavenworth, LLC, and Prime Healthcare Services – Providence, LLC (collectively “Prime”). Plaintiffs filed an Amended Complaint (Doc. 27) on October 10, 2014. Federal Rule of Civil Procedure 15 permits a party to amend its pleading as a matter of course within twenty-one days after service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a)(1)(B). Because plaintiffs’ Amended Complaint was filed eighteen days after defendants’ Rule 12(b) motion, plaintiffs’ Amended Complaint is timely filed and defendants’ motion is therefore moot.

IT IS THEREFORE ORDERED that defendants’ motion to dismiss (Doc. 23) is denied as moot. Defendants have until December 26, 2014 to respond to plaintiffs’ Amended Complaint (Doc. 27).

IT IS SO ORDERED.

Dated this 10th day of December, 2014, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge