

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

Alejandro Rodriguez,

Plaintiff,

v.

Case No. 16-cv-2741-JWL

**AstraZeneca Pharmaceuticals LP and
AstraZeneca LP,**

Defendants.

MEMORANDUM & ORDER

Plaintiff, individually and as surviving heir of Frank Rodriguez, filed this lawsuit against defendants alleging that the decedent suffered serious injuries and ultimately death as a result of defendants' unlawful conduct in connection with the design, development, manufacture, testing, packaging, promoting, marketing, distributing, labeling and sale of Prilosec, a proton pump inhibitor (PPI) used to treat gastroesophageal reflux disease and other peptic disorders. Defendants have moved to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(6). In lieu of filing a response to the motion to dismiss, plaintiff filed an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). The filing of the amended complaint renders moot the motion to dismiss. *See Ortega v. New Mexico Legal Aid, Inc.*, 2015 WL 12661927, at *1 n.1 (D.N.M. 2015); *Shane v. CitiMortgage, Inc.*, 2012 WL 3111730, at *1 (D. Kan. July 31, 2012).

IT IS THEREFORE ORDERED BY THE COURT THAT defendants' motion to dismiss (doc. 11) is **moot**.

IT IS SO ORDERED.

Dated this 22nd day of March, 2017, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge