

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

LEAGUE OF WOMEN VOTERS OF
FLORIDA, INC., et al.,

Plaintiffs,

v.

LAUREL M. LEE, in her official
capacity as Florida Secretary of State, et
al.,

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, and NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE,

Intervenor-Defendants.

Case Nos.: 4:21-cv-186-MW/MAF
4:21-cv-187-MW/MAF
4:21-cv-201-MW/MAF
4:21-cv-242-MW/MAF

**LEAGUE PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS
THE SECRETARY OF STATE AND ATTORNEY GENERAL'S MOTIONS
TO DISMISS**

Plaintiffs League of Women Voters of Florida, Inc., League of Women Voters of Florida Education Fund, Inc., League of United Latin American Citizens, Black Voters Matter Fund, Inc., Florida Alliance for Retired Americans, Inc., Cecile Scoon, Susan Rogers, Dr. Robert Brigham, and Alan Madison (collectively, "League Plaintiffs"), respectfully request that the Court deny Defendants Secretary of State Lee's ("Secretary") Motion to Dismiss (ECF No. 107) and Attorney General Ashley

Moody's ("Attorney General") Motion to Dismiss (ECF No. 120) as moot because the League Plaintiffs' Amended Complaint supersedes the original complaint upon which both motions relied.

In the Eleventh Circuit generally, and in this Court specifically, "an amended complaint supersedes the original complaint, and thus renders moot a motion to dismiss the original complaint." *S. Pilot Ins. Co. v. CECS, Inc.*, 15 F. Supp. 3d 1284, 1287 (N.D. Ga. 2013) (citing *Dresdner Bank AG v. M/V Olympia Voyager*, 463 F.3d 1210, 1215 (11th Cir. 2006)); *Fritz v. Standard Sec. Life Ins. Co.*, 676 F.2d 1356, 1358 (11th Cir. 1982)); *see also* Order, *Florida State Conference of Branches and Youth Units of the NAACP v. Lee*, No. 4:21-cv-187-MW/MAF (N.D. Fla. June 14, 2021) (ECF No. 47) (denying a pending motion to dismiss as moot because plaintiff filed an amended complaint). Moreover, Federal Rule of Civil Procedure 15 permits a party to amend a pleading "as a matter of course" within "21 days after service of a motion under Rule 12(b)." Fed. R. Civ. P. 15(a)(1)(B).

The League Plaintiffs amended their complaint as a matter of course: The Secretary moved to dismiss League Plaintiffs' complaint on June 25, 2021 (ECF No. 107) and the Attorney General on July 12, 2021 (ECF No. 120)—both motions brought pursuant to Rules 12(b)(1) and 12(b)(6)—and the League Plaintiffs filed their amended complaint within 21 days of both motions. Accordingly, the pending motions to dismiss the League Plaintiffs' original complaint are moot and should be

denied. *See Phoenix Ent. Partners, LLC v. Jellyfish, LLC*, No. 3:17CV929/MCR/GRJ, 2018 WL 10517181, at *1 (N.D. Fla. Apr. 12, 2018).

CONCLUSION

For the foregoing reasons, the Motions to Dismiss (ECF Nos. 107 and 120) should be denied as moot.

LOCAL RULES CERTIFICATION

Undersigned counsel certifies that this response contains 340 words, excluding the case style, conferral certification, and certificate of service.

Respectfully submitted this 16th day of July, 2021.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 16, 2021 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel in the Service List below.

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