

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

State of Oklahoma, ex rel. Scott Pruitt, in his
official capacity as Attorney General of
Oklahoma,

Plaintiff,

v.

(1) Kathleen Sebelius, in her official capacity
as Secretary of the United States Department
of Health and Human Services, and

(2) Timothy Geithner, in his official capacity
as Secretary of the United States Department
of the Treasury,

Defendants.

Case No. CIV-11-030-RAW

ORDER

Plaintiff filed his original Complaint on January 21, 2011. On November 23, 2011, this court stayed this action pending a ruling on the merits by the United States Supreme Court in cases involving similar issues. On June 28, 2012, the Supreme Court issued its rulings in National Fed'n of Indep. Business v. Sebelius, 132 S. Ct. 2566 (2012). On September 19, 2012, Plaintiff filed an Amended Complaint.

The Amended Complaint “supersedes the original complaint and renders it of no legal effect.” Davis v. TXO Production Corp., 929 F.2d 1515, 1517 (10th Cir. 1991) (citation omitted). Accordingly, Defendants’ motion to dismiss the original complaint [Docket No. 22] is now MOOT.

The court hereby sets the new scheduling order as follows. Defendants may file their answer or a motion to dismiss no later than October 19, 2012. If Defendants file a motion to dismiss, Plaintiff will then have until November 16, 2012 to file a Response.

IT IS SO ORDERED this 24th day of September, 2012.

Dated this 24th day of September, 2012.

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma