

United States District Court
Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREENPEACE, INC.,

Plaintiff,

v.

WALMART INC.,

Defendant.

Case No. 21-cv-00754-MMC

**ORDER DENYING AS MOOT
DEFENDANT'S MOTION TO DISMISS**

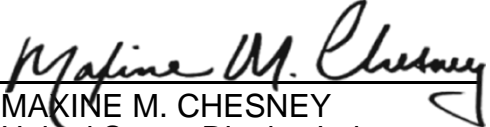
Before the Court is defendant Walmart Inc.'s Motion, filed November 10, 2021, "to Dismiss the Second Amended Complaint." On February 18, 2022, plaintiff Greenpeace, Inc. filed, with leave of court, a Third Amended Complaint.

"[A]n amended pleading supersedes the original, the latter being treated thereafter as non-existent." Bullen v. De Bretteville, 239 F.2d 824, 833 (9th Cir. 1956), cert. denied, 353 U.S. 947 (1957).

Accordingly, defendant's motion to dismiss the Second Amended Complaint is hereby DENIED as moot.

IT IS SO ORDERED.

Dated: February 22, 2022


MAXINE M. CHESNEY
United States District Judge