

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA DISABILITY RIGHTS,)

Plaintiff,)

v.)

NEUROPSYCHIATRIC HOSPITALS LLC,)

Defendant.)

No. 1:18-cv-02106-JRS-TAB

NEUROPSYCHIATRIC HOSPITALS LLC,)

Counter Claimant,)

v.)

INDIANA DISABILITY RIGHTS,)

Counter Defendant.)

NEUROPSYCHIATRIC HOSPITALS LLC,)

Third Party
Plaintiff,)

v.)

Dawn Adams,)

Third Party
Defendant.)

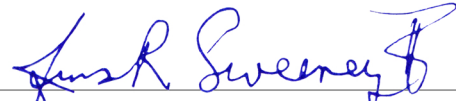
Order Denying Motion to Dismiss Counterclaims (Filing No. 13)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend its pleading “once 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). Defendant Neuropsychiatric Hospitals LLC filed Defendant’s Amended Answer, Affirmative Defenses, Counterclaim and Third-Party Complaint to Plaintiff’s Complaint on October 9, 2018, which was within 21 days of service of Plaintiff’s Motion to Dismiss Defendant’s Counterclaims under Rule 12(b)(6) filed on September 24, 2018.

The Amended Counterclaim supersedes the original Counterclaim, *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999); therefore, Plaintiff’s Motion to Dismiss (Filing No. 13) is **denied as moot**. *Young v. City of Mount Ranier*, 238 F.3d 567, 573 (4th Cir. 2001) (stating “an amended pleading supersedes the original pleading, rendering the original pleading of no effect”).

Date: 10/16/2018



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

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