

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**THE ROMAN CATHOLIC)
ARCHDIOCESE OF ATLANTA, *et*)
al.,)**

Plaintiffs,)

v.)

**KATHLEEN SEBELIUS, in her)
official capacity as Secretary of the)
U.S. Department of Health and)
Human Services, *et al.*,)**

Defendants.)

**CIVIL ACTION NO.: 1:12-CV-
3489-WSD**

**~~[PROPOSED]~~ ORDER DIRECTING PLAINTIFFS NOT TO FILE A
WRITTEN RESPONSE TO DEFENDANTS'
INITIAL MOTION TO DISMISS**

Before this Court is Plaintiffs' unopposed motion for direction from this Court that Plaintiffs are not required to file a written response to Defendants' initial Motion to Dismiss, which would otherwise be due on January 10, 2013.

Plaintiffs filed their initial complaint in this case on October 5, 2012 (ECF No. 1) and Defendants filed their initial Motion to Dismiss on December 10, 2012 (ECF No. 14) (the "Initial Motion"). By docket entry dated December 12, 2012, this Court set the due date for Plaintiffs to respond to the Initial Motion at January 10, 2013. However, on December 31, 2012, Plaintiffs filed their First Amended and Recast

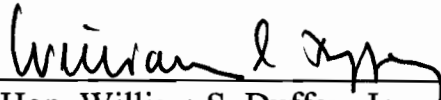
Complaint (ECF No. 21) (the “Amended Complaint”), which effectively mooted the Initial Motion. On January 3, 2013, Defendants filed a Notice Regarding Plaintiffs’ Amended Complaint (ECF No. 22) (the “Notice”), acknowledging that “[t]he filing of an amended complaint moots a defendant’s motion to dismiss the original complaint,” and announcing that Defendants “intend to again move for dismissal by January 14, 2013, in accordance with Federal Rule of Civil Procedure 15(a)(3).”

In light of the Amended Complaint, the Notice, and Defendants’ stated intent to file an amended motion to dismiss on or before January 14, 2013, Plaintiffs filed an unopposed motion for direction that they are not required to file a written response to the Initial Motion by January 10, 2013.

Therefore, for good cause shown, Plaintiffs’ motion is GRANTED. Plaintiffs are excused from filing any written response to the Initial Motion and shall instead file a timely written response to the amended motion to dismiss after any such motion is filed on or before January 14, 2013.

IT IS SO ORDERED.

January 8, 2013
Date


Hon. William S. Duffey, Jr.
United States District Judge