**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

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| EMERGING AUTOMOTIVE LLC,<br><br>*Plaintiff*,<br><br>v.<br><br>KIA CORPORATION, KIA AMERICA, INC.,<br><br>*Defendants*. | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | CIVIL ACTION NO. 2:23-CV-00437-JRG<br>(LEAD CASE) |

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| EMERGING AUTOMOTIVE LLC,<br><br>*Plaintiff*,<br><br>v.<br><br>TOYOTA MOTOR CORP., ET. AL.,<br><br>*Defendants*. | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | CIVIL ACTION NO. 2:23-CV-00434-JRG<br>(MEMBER CASE) |

**ORDER**

Before the Court is the Rule 12(c) Motion for Partial Judgment on the Pleadings as to Counts 4 And 5 of Plaintiff's Complaint for Lack of Subject Matter Eligibility (the "Motion") filed by Defendants Toyota Motor Corp., Toyota Motor North America, Inc., and Toyota Motor Sales, U.S.A., Inc. (collectively, "Defendants"). (Dkt. No. 83.) Plaintiff Emerging Automotive LLC ("Plaintiff") filed a "notice" asserting that the Motion is moot considering Plaintiff's recently filed First Amended Complaint. (Dkt. No. 93.) Indeed, Plaintiff filed its First Amended Complaint on September 5, 2024, after Defendants filed the Motion. (Dkt. No. 92.)

It is well established that a later-filed amended complaint moots a motion asking the Court

to dismiss an earlier-filed complaint. *See Griffin v. Am. Zurich Ins. Co.*, 697 F. App'x 793, 797 (5th Cir. 2017) ("Once filed, that amended complaint rendered all earlier motions . . . moot.*"); see also Bishop Display Tech LLC v. Samsung Elecs. Co., Ltd.*, Case No. 2:21-cv-00139-JRG, Dkt. No. 40 (E.D. Tex. Oct. 4, 2021) ("Once Plaintiff filed its amended complaint, the Motion became moot."); *Ultravision Techs., LLC v. Eaton Corp. PLC*, No. 2:19-CV-00290-JRG, 2019 WL 11250161, at *1 (E.D. Tex. Nov. 7, 2019) ("Accordingly, the filing of an amended complaint moots a motion to dismiss the original complaint.").

Accordingly, the Court finds that the Motion (Dkt. No. 83), which is based upon Plaintiff's original complaint, should be and hereby is **DENIED-AS-MOOT**.

## So Ordered this

**Sep 11, 2024**

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE