

In the United States Court of Federal Claims

No. 21-568
(Filed: 12 April 2021)

SUNREZ CORPORATION, *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *

ORDER

On 11 January 2021, plaintiff filed a complaint and a motion for leave to file Exhibit 1 of the complaint under seal. *See* Compl., ECF No. 1, and Pl.’s Mot. for Leave to File Exhibit under Seal, ECF No. 4. The Court granted plaintiff’s motion on 4 March 2021 as the government did not file an opposition to plaintiff’s motion before the deadline. *See* Order, ECF No. 6. On 12 March 2021, before plaintiff filed Exhibit 1 of the complaint, the government filed a motion to dismiss plaintiff’s complaint. *See* Def.’s Mot. to Dismiss Pl.’s Compl. and Request for Relief, ECF No. 7. On 2 April 2021, plaintiff amended its complaint as a matter of course pursuant to Rule 15(a)(1)(B) of the Rules of the United States Court of Federal Claims (“RCFC”). *See* Pl.’s First Amended Compl. And Request for Relief, ECF No. 8. Plaintiff also filed an unopposed motion to file Exhibits 2-5 and 8 of the amended complaint under seal, *see* Pl.’s Unopposed Mot. for Leave to File Exhibits under Seal, ECF No. 9, which the Court granted on 6 April 2021. *See* Order, ECF No. 10. On 9 April 2021, plaintiff filed under seal Exhibits 2-5 and 8 of the amended complaint and a motion for leave to file Exhibit 1 of the amended complaint under seal. *See* Notice, ECF No. 14, and Pl.’s Unopposed Mot. for Leave to File Exhibit 1 under Seal, ECF No. 16 (“Pl.’s Second Mot. for Leave to File Exhibit 1 under Seal”). Also on 9 April 2021, plaintiff filed a response to the government’s motion to dismiss. *See* Pl.’s Opp’n to the Gov’t’s Mot. to Dismiss, ECF No. 15.

When an amended complaint is filed, “the new complaint supersedes all previous complaints and controls the case from that point forward.” *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999). In such a situation, “motions addressed to the original complaint are generally regarded as moot upon the filing of an amended complaint.” *See Thompson v. Pallito*, 949 F. Supp. 2d 558, 582 (D. Vt. 2013); *see also Ellipso, Inc. v. Mann*, 460 F. Supp. 2d 99, 103 (D.D.C. 2006) (“Where a party amends its complaint, a pending motion to dismiss the original complaint is ordinarily denied without prejudice so that the movant can re-file the motion based on the amended pleading.”). Accordingly, the government’s motion to dismiss the original

complaint, ECF No. 7, is **MOOT** and therefore **DENIED**. The government shall answer plaintiff's amended complaint or refile a motion to dismiss **on or before 19 April 2021**.

In Pl.'s Second Mot. for Leave to File Exhibit 1 under Seal, plaintiff indicates Exhibit 1 of the amended complaint "contains, and deals with, proprietary and sensitive non-public information about [p]laintiff and the services it provides." Pl.'s Second Mot. for Leave to File Exhibit 1 under Seal at 1. Plaintiff further indicates Exhibit 1 contains seven attachments which "also deal with, proprietary and sensitive non-public information about [p]laintiff and the services it provides," and "the certified claim [in Exhibit 1] is not complete without its [attachments]." *Id.* at 1. According to plaintiff, the government does not oppose plaintiff's motion. *Id.* at 2. For good cause shown, Pl.'s Second Mot. for Leave to File Exhibit 1 under Seal, ECF No. 16, is **GRANTED**. Plaintiff shall file Exhibit 1 of the amended complaint and the seven attachments of Exhibit 1 under seal.

IT IS SO ORDERED.

s/ Ryan T. Holte
RYAN T. HOLTE
Judge