

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

DONALD KNAPP; EVELYN KNAPP;
HITCHING POST WEDDINGS, LLC,

Plaintiffs,

vs.

CITY OF COEUR D'ALENE,

Defendant.

Case No.: 2:14-cv-00441-REB

ORDER RE:

**PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER AND/OR PRELIMINARY
INJUNCTION**

(Docket No. 3)

**DEFENDANT'S MOTION TO
DISMISS**

(Docket No. 24)

Plaintiffs originally filed their Complaint on October 17, 2014. (Docket No. 1). Also on that date, Plaintiffs filed a Motion for Temporary Restraining Order and/or Preliminary Injunction. (Docket No. 3). On three subsequent occasions, the parties stipulated to a brief stay of proceedings, representing to the Court that a settlement of the action was a distinct possibility. (Docket Nos. 15, 19, & 21). The action did not settle and, on February 23, 2015, Defendant filed its first Motion to Dismiss. (Docket No. 24). On March 16, 2015, Plaintiffs filed their First Amended Complaint (Docket No. 29). On March 19, 2015, Plaintiffs responded to Defendant's Motion to Dismiss, asserting that their First Amended Complaint adds new factual allegations and new legal claims, thus mooting Defendant's Motion to Dismiss. (Docket No. 30). On March 30, 2015, Defendants filed a Motion to Dismiss Plaintiffs' First Amended Complaint. (Docket No. 31).

With this procedural backdrop, the Court HEREBY ORDERS THAT:

1. Plaintiffs' Motion for Temporary Restraining Order and/or Preliminary Injunction (Docket No. 3) is **DENIED as moot**. The passage of time since its original filing, coupled with the multiple stays and, now, a First Amended Complaint, paints a different landscape than the one prompting the Motion originally. Plaintiffs may file an updated motion for temporary restraining order and/or preliminary injunction in the event they feel it is necessary, considering the current status of the action as reflected by the First Amended Complaint and Defendant's second Motion to Dismiss.

2. With the filing of Plaintiffs' First Amended Complaint, Defendant's second Motion to Dismiss supersedes its first Motion to Dismiss. Therefore, Defendant's first Motion to Dismiss (Docket No. 24) is **DENIED as moot**.



DATED: **March 31, 2015**

A handwritten signature in black ink, appearing to read "Ronald E. Bush".

Honorable Ronald E. Bush
U. S. Magistrate Judge