

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN RUPP, Individually and as Personal
Representative of the Estate of John
Donald Rupp, III, Deceased, and
KARLA RUPP,

Plaintiffs,

v.

CITY BREWING COMPANY, LLC. and
ABC INSURANCE COMPANY,

Defendants.

ORDER

12-cv-676-bbc

This is a product liability action in which plaintiffs John Rupp and Karla Rupp contend that defendant City Brewing Company, LLC is liable for the death of their son, John Rupp III. On November 26, 2012, defendant filed a motion to dismiss the complaint. Dkt. #15. Plaintiff filed an amended complaint on January 15, 2013, dkt. #18, as well as a brief in opposition to defendant's motion to dismiss. Dkt. #19. Plaintiffs filed the amended complaint within the deadline provided in the pretrial conference order. Dkt. #17.

In light of plaintiffs' amended complaint, defendant's motion to dismiss is moot. If defendant believes that the amended complaint does not cure the alleged defects in plaintiffs' original complaint, it must file a renewed motion.

Additionally, the parties have filed a joint motion for oral argument regarding

defendant's motion to dismiss. This motion is also moot. However, the parties should be aware that it is not my practice to schedule oral argument on motions to dismiss. I view it as the parties' responsibility to explain their arguments cogently in their moving and opposing briefs. If I determine that oral argument is necessary after reviewing the briefs, I will scheduling a hearing.

ORDER

IT IS ORDERED that defendant City Brewing Company, LLC's motion to dismiss, dkt. #15, and the motion for oral argument filed by defendant and plaintiffs John Rupp and Karla Rupp, dkt. #20, are DENIED as moot.

Entered this 24th day of January, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge