

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

JAMES R. STANFILL, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
v.	:	CASE NO.: 7:25-CV-00180 (WLS)
	:	
KILLER INSTINCT, INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

Before the Court is Plaintiffs’ Motion for Leave to File Amended Complaint (Doc. 51), filed on May 29, 2026. Therein, Plaintiffs move under Federal Rule of Civil Procedure 15(a)(2) for leave to file an amended complaint. Previously, Plaintiffs attempted to amend their complaint in response to Defendant Wal-Mart Stores East, LP’s (“Defendant Wal-Mart”) Motion to Dismiss (Doc. 35) without showing consent or seeking permission from the Court. (Docs. 37 & 38). The Court denied Plaintiffs’ attempted amendment, (Doc. 40), but later provided Plaintiffs an opportunity to move to amend their complaint. (Doc. 50). Plaintiffs timely filed the instant Motion seeking leave to amend. Defendant Wal-Mart did not file a response to the Motion, or otherwise object to the proposed amendment.

Under Rule 15(a)(2), after the period in which a pleading may be amended as a matter of course, a party may amend a pleading only by leave of the Court. Fed. R. Civ. P. 15(a)(2). A court “should freely give leave when justice so requires.” *Id.* The Court finds that leave to amend is appropriate here. Accordingly, Plaintiffs’ Motion (Doc. 51) is **GRANTED**. Plaintiffs may amend their Complaint.

Because the Court has authorized the filing of Plaintiffs’ amendment, Defendant Wal-Mart’s Motion to Dismiss (Doc. 35) is **DENIED**, without prejudice, as moot. *See, e.g., Dresdner Bank AG v. M/V Olympia Voyager*, 463 F.3d 1210, 1215 (11th Cir. 2006) (holding that an amended complaint supersedes the previous pleading); *Teramore Dev., LLC v. Lowndes Cnty., Ga.*, No. 7:23-CV-39 (WLS), 2023 WL 6960363, at *1 (M.D. Ga. Oct. 20, 2023) (“An amended

complaint supersedes the original complaint, and therefore renders moot a motion to dismiss the original complaint.”). Accordingly, Plaintiffs’ Motion for Oral Argument (Doc. 39) on Defendant Wal-Mart’s Motion to Dismiss is also **DENIED** as moot.

SO ORDERED, this 11th day of June 2026.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT