

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, SAVANNAH DIVISION

Sai Dhan 6767 LLC v. State Farm Fire and Casualty Company

Sai Dhan 6767 LLC · No. CV425-262 · Decided December 10, 2025

SUMMARY

The court addresses procedural issues arising from Defendant’s filing of a motion to dismiss after filing an answer and Plaintiff’s filing of an amended complaint without express consent or leave. The court treats the amended complaint as properly filed and operative, concludes that the motion to dismiss is moot, and directs the Clerk to terminate it.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Savannah Division
WRITING FOR THE COURT	Christopher L. Ray
JURISDICTION	United States District Court for the Southern District of Georgia, Savannah Division
DECIDED	December 10, 2025
DOCKET	CV425-262
DISPOSITION	other
PROCEDURAL POSTURE	After removal from the Superior Court of Bryan County, Georgia, Defendant filed an answer, then filed a motion to dismiss for failure to state a claim. Plaintiff subsequently filed an amended complaint without obtaining leave or consent, and Defendant answered the amended complaint. The court addressed the procedural defects and terminated the motion to dismiss as moot.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure
- insurance

PRACTICE AREAS

- civil procedure
- insurance
- commercial litigation

QUESTIONS PRESENTED

1. Whether Defendant's motion to dismiss was procedurally proper after Defendant had filed an answer.
2. Whether Plaintiff's amended complaint, filed after the ordinary Rule 15(a)(1) deadline and without consent or leave, should be treated as properly filed.
3. Whether the amended complaint and Defendant's answer rendered the pending motion to dismiss moot.

HOLDINGS

1. A motion asserting defenses under Federal Rule of Civil Procedure 12(b) must be filed before the responsive pleading when a responsive pleading is allowed; Defendant's motion filed after its answer was procedurally improper.
2. Although the amended complaint was filed after the ordinary Rule 15(a)(1) deadline and without consent or leave, the court would treat it as appropriately filed and operative under the circumstances.
3. The amended complaint superseded the original complaint, and the amended complaint together with Defendant's answer rendered the pending motion to dismiss moot.

KEY QUOTATIONS

“Under the unambiguous, mandatory language of Rule 12(b), a motion to dismiss must be made before an answer is filed.”

“An amended pleading “supersedes the former pleading” such that “the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary.””

FACTUAL BACKGROUND

Sai Dhan 6767 LLC filed a complaint against State Farm Fire and Casualty Company in the Superior Court of Bryan County, Georgia. State Farm removed the case to the Southern District of Georgia, filed an answer, and then moved to dismiss for failure to state a claim. While the motion was pending, Sai Dhan filed an amended complaint without express consent or leave of court, and State Farm answered the amended complaint.

PROCEDURAL HISTORY

Plaintiff filed the original complaint in Georgia superior court on September 17, 2025. Defendant filed a special appearance answer, removed the case to federal court, filed an amended answer, and then moved to dismiss. Plaintiff filed an amended complaint while the motion was pending, and Defendant answered that pleading. The federal district court treated the amended complaint as properly filed and operative, concluded that it superseded the original complaint, and terminated the pending motion to dismiss as moot.

DISPOSITION

other

CASES CITED

- Brisk v. City of Miami Beach, Fla., 709 F. Supp. 1146, 1147 (S.D. Fla. 1989)
- Walker v. Mead, 2014 WL 2778162, at *1 (M.D. Fla. June 18, 2014)
- Ward v. Glynn Cnty. Board of Comm'rs, 2016 WL 4269041, at *7 (S.D. Ga. Aug. 11, 2016)
- Rogers v. Hartford Life & Accident Ins. Co., 2012 WL 2395194, at *1 n. 1 (S.D. Ala. June 22, 2012)
- New York Life Ins. Co. v. Grant, 57 F. Supp. 3d 1401, 1408-09 (M.D. Ga. 2014)
- Hoover v. Blue Cross and Blue Shield of Ala., 855 F.2d 1538, 1544 (11th Cir. 1988)
- Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006)
- Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982)
- Auto-Owners Ins. Co. v. Tabby Place Homeowners Ass'n, Inc., 637 F. Supp. 3d 1342, 1348 n. 4 (S.D. Ga. 2022)

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