

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

CHESTER ARCH REALTY, LLC

PLAINTIFF

v.

Case No. 2:11-CV-02212

K MART CORPORATION

DEFENDANT

**ORDER**

Before the Court is Plaintiff's Motion for Leave to File Amended Complaint (Doc. 18). No objections have been entered in opposition to the Motion, and the response period has passed. Accordingly, the Court finds the Motion should be and hereby is GRANTED. Plaintiff is directed to file the Amended Complaint, attached as Exhibit 1 to its Motion, and accompanying exhibits.

Because Plaintiff's Amended Complaint appears to cure the deficiencies alleged in Defendant's previously-filed Motion to Dismiss, Defendant's Motion to Dismiss is DENIED AS MOOT.

IT IS SO ORDERED this 22nd day of March, 2012.

*P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE