

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

VIERGELA JEAN-FRANCOIS, CHANGOLIA
JULIEN, CARMELIA PIERRE, LOUNDY
SAINT-HILAIRE, and SOLANGE MARCELIN,

Intervenors,

vs.

Case No. 2:05-cv-460-FtM-29SPC

GARGIULO, INC.,

Defendant.

ORDER

_____This matter comes before the Court on Defendant's Motion to Dismiss or for More Definite Statement and Supporting Memorandum of Law (Doc. #20) filed on January 9, 2006. Plaintiff intervenors filed their Complaint in Intervention for Damages and Injunctive Relief on January 11, 2006. (Doc. #22). Because the Complaint in Intervention was filed two days after the January 9 dispositive motion, defendant filed another motion which appears to be a duplicate of the January 9 dispositive motion on January 18, 2006. (Doc. #23). In both motions, defendant seeks to dismiss the Complaint in Intervention. Plaintiff intervenors then filed an Amended Complaint in Intervention for Damages and Injunctive Relief on January 23, 2006. (Doc. #24). Thus, defendant's January 9

Motion to Dismiss or for More Definite Statement (Doc. #20) was prematurely filed and will be terminated as moot, and defendant's January 18 Motion to Dismiss or for More Definite Statement (Doc. #23) will be denied as moot due to plaintiff intervenors' amended pleading.


Accordingly, it is now

ORDERED:

1. Defendant's Motion to Dismiss or for More Definite Statement and Supporting Memorandum of Law (Doc. #20) is **TERMINATED** as moot.

2. Defendant's Motion to Dismiss or for More Definite Statement and Supporting Memorandum of Law (Doc. #23) is **DENIED** as moot.

DONE AND ORDERED at Fort Myers, Florida, this 24th day of January, 2006.



JOHN E. STEELE
United States District Judge

Copies:
Counsel of record