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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION and GLENDA HERRING,

Plaintiffs,

v.

CASE NO: 8:01-cv-379-T-26EAJ

NORSTAN APPAREL SHOPS, INC.,
d/b/a FASHION CENTS,

Defendant.

_____ /

ORDER

Upon due consideration of Defendant's Motion to Dismiss Counts II, III, VI, VII, VIII, and IX of Plaintiff-Intervenor's First Amended Complaint (Dkt. 22) and Plaintiff Intervenor's Response in Opposition (Dkt. 23), it is ordered and adjudged that the motion is denied in part and granted in part. The allegations are sufficient to avoid dismissal at this stage of the proceedings. To alleviate the confusion and cumbersomeness of looking to more than one document to ascertain the operative claims, however, Plaintiff-Intervenor shall file one amended complaint which encompasses all claims without incorporation of portions from any other pleading, document or paper. Plaintiff-Intervenor shall have up to and including September 17, 2001, to file the above-referenced Second Amended Complaint setting forth all claims against Defendant.

DONE AND ORDERED at Tampa, Florida, on September 6, 2001.


RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO: Counsel of Record

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Notice sent to: BJ 01-cv-379

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