

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SYLVESTER BUTLER, et al.,

Plaintiffs,

vs.

Case No. 3:04-cv-917-32-MMH

JAMES MCDONOUGH, et al.,

Defendants.

ORDER¹

This case is before the Court on pending motions. The Court heard argument on June 1, 2006 and incorporates that discussion herein. It is hereby

ORDERED:

1. Defendants' Motion to Dismiss Second Amended Complaint (Doc. 153) and Defendants McDonough and Bryant's Amended Motion to Dismiss Certain Plaintiffs' Second Amended Complaint for Mootness and Lack of Standing (Doc. 185) are **DENIED**. See e.g., 31 Foster Children v. Bush, 329 F.3d 1255, 1263 (11th Cir. 2003).

2. Defendant James Wilson's Motion to Dismiss Plaintiffs' Second Amended Complaint (Doc. 145) is **DENIED**.

3. Any Defendant who has not answered or who has filed an incomplete answer to the Second Amended Complaint, must answer by **July 14, 2006**.

¹Under the E-Government Act of 2002, this is a written opinion and therefore is available electronically. However, it has been entered only to decide the motion or matter addressed herein and is not intended for official publication or to serve as precedent.

4. As discussed at the hearing, an amended Case Management and Scheduling Order will issue shortly.

DONE AND ORDERED at Jacksonville, Florida this 8th day of June, 2006.



TIMOTHY J. CORRIGAN
United States District Judge

d.

Copies:

counsel of record