

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

EQUITY LIFESTYLE PROPERTIES, INC.,

Plaintiff,

vs.

Case No. 2:05-cv-165-FtM-29SPC

FLORIDA MOWING & LANDSCAPE SERVICE,
INC.,

Defendant.

FLORIDA MOWING & LANDSCAPE SERVICE,
INC.,

Plaintiff,

vs.

Case No. 2:05-cv-187-FtM-29SPC

EQUITY LIFESTYLE PROPERTIES, INC.,
f/k/a MANUFACTURED HOME COMMUNITIES,
INC.,

Defendant.

ORDER


_____This matter comes before the Court on Equity Lifestyle Properties, Inc.'s Reassertion of Equity's January 31, 2006 Motion for Summary Judgment (Doc. #123), filed on October 3, 2006. The motion was filed in an abundance of caution to preserve the "cost-plus" contract issue which the Court resolved in prior Orders addressing the Second Amended Complaint. For the same reasons articulated in the Court's prior Orders, the current motion will be denied.

Accordingly, it is now

ORDERED:

Equity Lifestyle Properties, Inc.'s Reassertion of Equity's January 31, 2006 Motion for Summary Judgment (Doc. #123) is **DENIED**.

DONE AND ORDERED at Fort Myers, Florida, this 17th day of October, 2006.



JOHN E. STEELE
United States District Judge

Copies:
Counsel of record