

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHRISTOPHER B. DWYER,

Plaintiff,

vs.

Case No. 2:06-cv-60-FtM-29DNF

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

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**OPINION AND ORDER**

\_\_\_\_\_ This matter comes before the Court on defendant's Motion to [sic] for a More Definite Statement or, in the Alternative, Motion [to] Dismiss Plaintiff's Complaint (Doc. #1), filed on February 6, 2006. Plaintiff filed a Response (Doc. #6) on February 9, 2006.

The Complaint (Doc. #3) was originally filed in state court on December 28, 2005, and removed by Notice of Removal (Doc. #2) on February 3, 2006, on the basis of diversity jurisdiction. Plaintiff seeks relief pursuant to Fla. Stat. § 624.155 in the one count Complaint. The Court agrees with defendant that, to the extent the Complaint is attempting to set forth separate legal claims for relief, there should be separate counts in order to facilitate the clear presentation of the matters. The other legal issues raised by defendant need not be decided unless the amended complaint gives rise to such issues. Additionally, the amended complaint may impact the amount in controversy and therefore the court's jurisdiction.


Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. Defendant's Motion to for a More Definite Statement or, in the Alternative, Motion Dismiss Plaintiff's Complaint (Doc. #1) is **DENIED** as to the Motion for More Definite Statement and is **GRANTED** as to the Motion to Dismiss. Plaintiff's Complaint (Doc. #3) is **dismissed without prejudice**.

2. Plaintiff's request for leave to file an Amended Complaint, contained in his Response (Doc. #6) is **GRANTED**. Plaintiff may file an Amended Complaint within **TWENTY (20) DAYS** of the date of this Opinion and Order.

**DONE AND ORDERED** at Fort Myers, Florida, this 20th day of February, 2006.

  
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**JOHN E. STEELE**  
United States District Judge

Copies:  
Counsel of record