

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SCOTT VANSLAMBROUCK, STACI
VANSLAMBROUCK,

Plaintiff,

vs. Case No. 2:11-cv-76-FtM-29SPC

FAIRFIELD INDUSTRIES INCORPORATED,

Defendant.

OPINION AND ORDER

This matter comes before the Court on Defendant's First Amended Motion to Dismiss Plaintiff's Complaint (Doc. #16) filed on April 1, 2011. For the reasons set forth in the Opinion and Order (Doc. #32) filed June 15, 2011, the Court finds that the Jones Act claims are not sufficiently pled. Therefore, Count I and the first Count IV are dismissed without prejudice. The other counts are not premised on the Jones Act, and defendant has presented no reason why these counts fail to state a claim.

Since plaintiff has not had the opportunity to respond to the personal jurisdiction argument, the Court will take that portion of the motion under advisement.


Accordingly, it is now

ORDERED:

1. Defendant's First Amended Motion to Dismiss Plaintiff's Complaint (Doc. #16) is **GRANTED** as to Count I and the first Count IV, which are dismissed without prejudice.

2. The Court will take the personal jurisdiction portion of the motion under advisement. Plaintiff shall file a response to this portion of the motion within **FOURTEEN (14) DAYS** of the date of this Opinion and Order.

DONE AND ORDERED at Fort Myers, Florida, this 15th day of June, 2011.



JOHN E. STEELE
United States District Judge

Copies:
Counsel of record