

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

LISA WILLIAMS, as Personal Representative
of the Estate of Robert Williams, deceased,

Plaintiff,

v.

CASE NO: 8:09-cv-2151-T-26TBM

GAFFIN INDUSTRIAL SERVICES, INC., et al.,

Defendants.

_____ /

ORDER

Upon due consideration of the court file, it is ordered and adjudged that the Motions to Dismiss found at dockets 5 and 6, which were filed in state court prior to removal, and which were based on the Florida Rules of Civil Procedure, are denied without prejudice to being refiled under the Federal Rules of Civil Procedure and in conformity with recent United States Supreme Court opinions governing the sufficiency of a complaint.

DONE AND ORDERED at Tampa, Florida, on October 23, 2009.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record