

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

MICHAEL SHAWN PREVATTE; and
LAURA PREVATTE,

Plaintiffs,

v.

Case No. 5:17-cv-390-Oc-37PRL

WELLS FARGO BANK, NA; and CBRE,
INC.,

Defendants.

ORDER

Before the Court is Defendant CBRE, Inc.'s ("CBRE") Motion to Dismiss Count III of Plaintiffs' Complaint or Alternatively for a More Definite Statement. (Doc. 12.) CBRE seeks dismissal of Count III of Plaintiffs' Complaint, a loss of consortium claim, averring that it constitutes a "shotgun pleading" and "commingles allegations against both Defendants without distinction." (*Id.* at 2.)

Although technically speaking Count III could constitute a "shotgun pleading" by realleging all preceding paragraphs (*see* Doc. 2, ¶27), the concerns implicated by such pleading practices are not raised when plaintiffs, as exemplified here, bring derivative claims. Because CBRE is capable of responding to Plaintiffs' Amended Complaint as drafted, the Court will not order repleader or a more definite statement.¹

¹ The Court notes that co-Defendant Wells Fargo Bank, NA already answered the Amended Complaint. (*See* Doc. 17.)

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant CBRE, Inc.'s Motion to Dismiss Count III of Plaintiffs' Complaint or Alternatively for a More Definite Statement (Doc. 12) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on September 19, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record