

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

FINES ENTERPRISES,

Plaintiff,

v.

Case No. 6:16-cv-1244-Orl-37TBS

KEVIN RUARK; BREANNA SAAGMAN;
MATTHEW SAAGMAN; HAVEN HOME
HEALTH CARE, LLC; THOMAS
TAYLOR; COPIA HEALTH CARE, LLC;
MICHAEL MOSES; MATTHEW
RUARK; and JAMIN RUARK,

Defendants.

ORDER

This cause is before the Court on Defendants', Haven Home Health Care II, LLC, Kevin Ruark, Breanna Saagman, Matthew Saagman, Michael Moses, Matthew Ruark, and Jamin Ruark, Motion to Dismiss (Doc. 26), filed August 30, 2016.

Local Rule 3.01(b) requires that a "party opposing a motion . . . shall file within fourteen (14) days after service of the motion . . . a response that includes a memorandum of legal authority in opposition to the request, all of which the respondent shall include in a document not more than twenty (20) pages." Allotting three additional days for service, see Fed. R. Civ. P. 6(d), Plaintiff's response to Defendants' Motion was due on or before Friday September 16, 2016. The filing deadline has passed, and Plaintiff has yet to file a response in opposition to Defendants' Motion.

Upon consideration, the Court considers Defendants' Motion to be unopposed (see Local Rule 3.01(b)) and finds that it is due to be granted. Accordingly, it is hereby

ORDERED AND ADJUDGED that:

1. Defendants' Motion (Doc. 26) is **GRANTED**.
2. The Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
3. On or before Friday, **November 4, 2016**, Plaintiff may file an amended complaint that addresses any deficiencies raised in the Motion. Failure to timely file an amended complaint will result in dismissal with prejudice without further notice.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 24, 2016.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record