

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

GORDON MCBRIDE,

Plaintiff,

v.

Case No. 6:17-cv-1639-Orl-37KRS

LIBERTY MUTUAL FIRE INSURANCE
COMPANY,

Defendant.

ORDER

Plaintiff initiated this uninsured motorist benefits action by filing a two-count Complaint for: (1) breach of contract ("**Count I**"); and (2) bad faith ("**Count II**"). (Doc. 2.) Defendant then filed a single motion, seeking: (1) dismissal of Count II ("**MTD**"); and (2) an extension of time to respond to Count I ("**Extension Request**"). (Doc. 4.) Upon consideration, the Extension Request is due to be denied as moot.

Filing a partial motion to dismiss effectively suspends that party's response time for the entire complaint. *See, e.g., Jacques v. First Liberty Ins. Corp.*, No. 8:16-cv-1240-T-23TBM, 2016 WL 3221082, at *1 (M.D. Fla. June 9, 2016); *see also* Charles Alan Wright & Arthur R. Miller, *5B Federal Practice & Procedure Civil* § 1346 (3d ed. 2017). Because the MTD is aimed only at Count II, Defendant's time to respond to Count I is automatically extended. Thus, the Extension Request is unnecessary.

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant's Motion for Extension of Time to Respond to Count One (Doc. 4, p. 3-4) is **DENIED AS MOOT**.

DONE AND ORDERED in Chambers in Orlando, Florida, on September 21, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record