

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

JUDITH SOKAL, GARY S. ARANT,
DEBORA A. JOHNSON,
CHRISTOPHER D. ARANT,

Plaintiffs,

v.

CASE NO: 8:07-cv-213-T-26TGW

USHER-SMITH LABORATORIES, INC.,
HEALTHSOUTH REHABILITATION
HOSPITAL OF SARASOTA, L.P.,
ALBERTSON'S, INC.,

Defendants.

ORDER

Pending before the Court is Defendant Healthsouth Real Property Holding Corporation's Motion to Dismiss filed in state court prior to removal seeking dismissal of Plaintiffs' amended complaint. The Court notes that Plaintiffs filed a second amended complaint subsequent to the filing of the motion to dismiss thereby mooting the motion.

Accordingly, it is ordered and adjudged as follows:

1) Defendant Healthsouth's Motion to Dismiss (Dkt. 3) is denied as moot and without prejudice.

2) Defendant Healthsouth shall file a response to Plaintiffs' second amended complaint within 10 days of this order.

DONE AND ORDERED at Tampa, Florida, on February 6, 2007.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record