

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JASON COTTERILL,

Plaintiff,

v.

Case No. 8:07-cv-262-T-30TBM

O. F. MOSSBERG & SONS, INC. and
WAL-MART STORES EAST, LP,

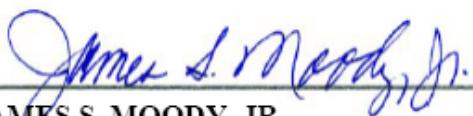
Defendants.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Third Request for Court Order Permitting Destructive Testing (Dkt. 155) and Defendant's Memorandum in opposition to the same (Dkt. 164). On November 24, 2009, the Court heard oral argument from the parties on multiple pending motions. At the close of oral argument, Plaintiff was advised that the Court would conduct a hearing regarding the instant request if Plaintiff provided an adequate explanation regarding the necessity of such testing. As of this date, Plaintiff has neither attempted to set the matter for hearing nor provided the Court with such an explanation.

Accordingly, it is ORDERED AND ADJUDGED that Plaintiff's Third Request for Court Order Permitting Destructive Testing (Dkt. 155) is **DENIED without prejudice as moot**.

DONE and ORDERED in Tampa, Florida on February 5, 2009.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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