

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

R-STREAM, LLC, *et al.*,

Plaintiffs,

v.

Case No. 8:08-cv-2221-T-33EAJ

WINGSTOP RESTAURANTS, INC.,

Defendant.

ORDER

This matter is before the Court pursuant to Defendant's Dispositive Motion for Judgment on the Pleadings (Doc. # 15), which was filed on May 21, 2009.

Defendant's motion seeks dismissal of the complaint with prejudice and judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. Plaintiffs failed to file a response in opposition to Defendant's motion within the time parameters of the Local Rules. Local Rule 3.01(b), M.D. Fla., explains, "Each party opposing a motion or application shall file within ten (10) days after service of the motion or application 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."

Accordingly, on the present record, this Court considers Defendant's Motion for Judgment on the Pleadings (Doc. # 15)

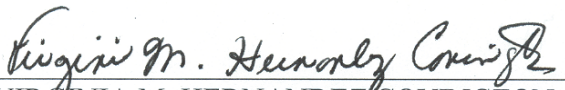
as an unopposed motion. However, in the instance that Plaintiffs do, in fact, oppose the motion, Plaintiffs are directed to file a response in opposition to the motion within eleven (11) days of the date of this Order. Absent a timely response by Plaintiffs, however, this Court will be inclined to grant the motion as unopposed.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

In the instance that Plaintiffs oppose Defendant's Motion for Judgment on the Pleadings (Doc. # 15), Plaintiffs are directed to file a response in opposition to the motion within **ELEVEN DAYS** of the date of this Order.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 10th day of June, 2009.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record