

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DR. GLENN W. CHERRY, *ET AL.*,

Plaintiffs,

v.

Case No. 8:09-cv-33-T-33EAJ

D.B. ZWIRN SPECIAL OPPORTUNITIES
FUND, L.P., *ET AL.*

Defendants.

_____ /

ORDER

This matter is before the Court pursuant to Chris McMurray's Motion of Joinder in D.B. Zwirn Special Opportunities Fund, L.P.'s Motion to Dismiss Plaintiffs' First Amended Complaint (Doc. # 97) and Motion of Joinder in D.B. Zwirn Special Opportunities Fund, L.P.'s Memorandum of Law in Opposition to Plaintiffs' Second Motion for Class Certification (Doc. # 98)(collectively the "Joinder Motions"), both filed on June 12, 2009.

Plaintiffs opposed the Joinder Motions because such motions failed to include a Local Rule 3.01(g), M.D. Fla., Certificate of Conference. (Doc. ## 100, 101). Thereafter, Chris McMurray supplemented the Joinder Motions with 3.01(g), M.D. Fla., Certificates of Conference, indicating that such motions were opposed by Plaintiffs. (Doc. ##102, 103).

Plaintiffs failed to file a substantive objection to the relief sought in the Joinder Motions, and upon due consideration, the Court determines that such motions should be granted. In this procedurally complex case, Chris McMurray's requested joinder in the filings of his co-defendants is preferable to the submission of filings that are identical to those already pending in the Court file.

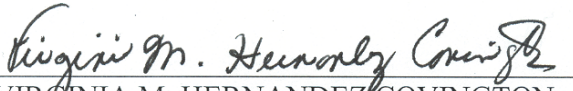
Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

- (1) Chris McMurray's Motion of Joinder in D.B. Zwirn Special Opportunities Fund, L.P.'s Motion to Dismiss Plaintiffs' First Amended Complaint (Doc. # 97) and Motion of Joinder in D.B. Zwirn Special Opportunities Fund, L.P.'s Memorandum of Law in Opposition to Plaintiffs' Second Motion for Class Certification (Doc. # 98) are **GRANTED**.
- (2) Chris McMurray is deemed to have joined in the filing of the Motion to Dismiss (Doc. # 46), which was filed on April 23, 2009, and is deemed to have joined in the filing of the Response in Opposition to Plaintiffs' Second Motion for Class Certification (Doc. # 56), which

was filed on May 11, 2009.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 2nd
day of October 2009.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel and Parties of Record