

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

**ANDREA ABRAHAM, et al.,**

**Plaintiffs,**

**v.**

**Case No. 8:09-cv-107-T-30EAJ**

**SANDY COVE 3 ASSOCIATION, et al.,**

**Defendants.**

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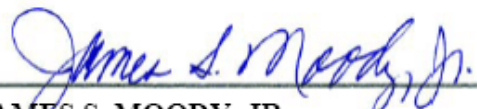
**ORDER**

THIS CAUSE comes before the Court upon Defendants Sandy Cove 3 Association and Glen J. Engelbrecht's Motion to Dismiss Plaintiff's Complaint (Dkt. 27) and Plaintiffs Andrea Abraham and Charles Abraham's Motion to Amend Complaint and Motion to Dismiss Defendant's Motion to Dismiss (Dkt. 31). Federal Rule of Civil Procedure 15 allows a party to "amend its pleading once as a matter of course before being served with a responsive pleading." In light of the Amended Complaint filed at Dkt 31, the Motion to dismiss will be denied as moot and the Defendants will have twenty days to respond to the amended complaint.

It is therefore ORDERED AND ADJUDGED that:

1. The Motion to Dismiss (Dkt. 27) is **DENIED** as moot.
2. Defendants have twenty (20) days to respond to the Amended Complaint.

**DONE** and **ORDERED** in Tampa, Florida on February 19, 2009.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel/Parties of Record

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