

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

JOSE GALA and ELENA SUAREZ,

Plaintiffs,

v.

CASE NO: 8:09-cv-1824-T-26AEP

AMERICAN SECURITY INSURANCE  
COMPANY,

Defendant.

**ORDER**

Upon due consideration of the well-pleaded allegations of Plaintiffs' complaint, which this Court must accept as true at this juncture of the proceedings, it is ordered and adjudged that Defendant's Motion to Dismiss (Dkt. 3) is denied because the factual allegations of the complaint are more than sufficient to raise a right to relief above the speculative level. See Sinaltrainal v. Coca-Cola Co., \_\_\_ F.3d \_\_\_, 2009 WL 2431463 \*4 (11<sup>th</sup> Cir. Aug. 11, 2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)). Defendant shall file its answer and defenses within ten (10) days of this order.

**DONE AND ORDERED** at Tampa, Florida, on September 8, 2009.

*s/Richard A. Lazzara*

**RICHARD A. LAZZARA  
UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:** Counsel of Record