

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TYWANNA MONTGOMERY,

Plaintiff,

v.

Case No. 8:10-cv-429-T-33AEP

ION MEDIA MANAGEMENT COMPANY,

Defendant.

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ORDER

This cause comes before the Court pursuant to Defendant's Motion to Dismiss Complaint (Doc. # 3), filed on February 17, 2010, and Plaintiff's Unopposed Motion to Amend Complaint (Doc. # 4), filed on March 2, 2010.

Upon due consideration, this Court will allow Plaintiff the opportunity to amend her complaint. Rule 15 of the Federal Rules of Civil Procedure and governing case law mandate that leave to amend be freely given. See Foman v. Davis, 371 U.S. 178, 182 (1962).

The amended complaint will render moot Defendant's pending motion to dismiss. Defendant may re-submit its motion to dismiss, if appropriate, after the filing of Plaintiff's amended complaint.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) Plaintiff's Unopposed Motion to Amend Complaint (Doc. # 4) is **GRANTED**.
- (2) Plaintiff is directed to file her amended complaint (Doc. # 4-1) within ten days of the date of this Order.
- (3) Defendant's Motion to Dismiss Complaint (Doc. # 3) is **DENIED WITHOUT PREJUDICE AS MOOT**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 3rd day of March, 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to:

All Counsel of Record