

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

**MARLOW YACHTS LIMITED, INC.,
et al.,**

Plaintiffs,

v.

Case No. 8:12-cv-340-T-30TBM

FEDERAL INSURANCE COMPANY,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Plaintiffs' Motion for Leave to File Second Amended Motion for Summary Judgment (Dkt. 35) and Defendant's Response in opposition (Dkt. 39). The Court, having reviewed the motion, response, and being otherwise advised in the premises, concludes that the motion should be granted.

On January 29, 2013, Plaintiffs filed an amended motion for summary judgment (Dkt. 27). On February 13, 2013, Defendant filed its response to same (Dkt. 32). Plaintiffs seek leave to amend their motion for summary judgment because, since the motion's filing on January 29, 2013, additional relevant depositions were taken, which has led to new information relevant to Plaintiffs' entitlement to summary judgment.

The dispositive motion deadline in this case is set on June 7, 2013. Thus, the Court sees no reason to deny Plaintiffs' request to file an amended summary judgment motion. Indeed, Plaintiffs have until June 7, 2013 to file their dispositive motion. If discovery is still

ongoing, it would behoove Plaintiffs to wait until the completion of same to file their amended motion.

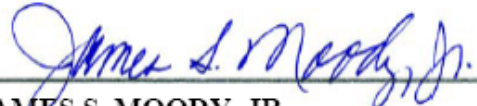
The Court is mindful of Defendant's argument that Plaintiffs are seeking a "second bite at the same apple", however this is not the typical scenario of seeking summary judgment in a piecemeal fashion because the Court has not ruled on Plaintiffs' pending summary judgment motion. In other words, Plaintiffs are seeking amendment prior to the Court's disposition on any summary judgment issues and Plaintiffs' request is timely in light of the June 2013 dispositive motion deadline. Notably, Defendant references its intention to file a summary judgment motion; the Court is of the opinion that it would be a better use of judicial resources to consider the parties' motions at the same time.

It is therefore ORDERED AND ADJUDGED that:

1. Plaintiffs' Motion for Leave to File Second Amended Motion for Summary Judgment (Dkt. 35) is granted.
2. Plaintiffs' Amended Motion for Summary Judgment (Dkt. 27) is denied as moot.

DONE and **ORDERED** in Tampa, Florida on March 8, 2013.

Copies furnished to:
Counsel/Parties of Record



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

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