

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

JOHN FABING, et al.,

Plaintiffs,

vs.

CASE NO. 8:12-CIV-2340-T-EAK-AEP

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

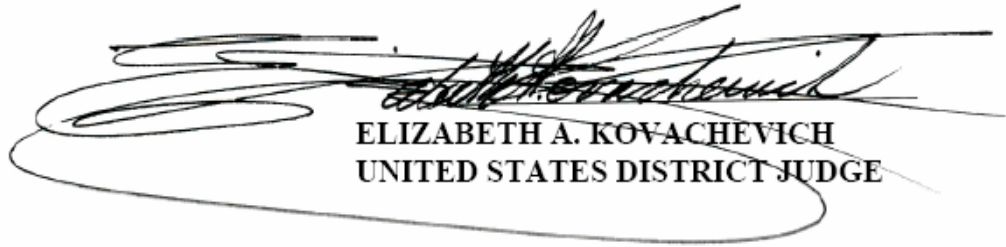
ORDER GRANTING MOTION

This cause is before the Court on the motion to dismiss, filed by Law Offices of Marshall C. Watson, P.A. (Doc. 17). The Plaintiffs failed to respond to the motion in a timely manner. The Court, on May 22, 2013, ordered the Plaintiffs to show cause, on or before June 10, 2013, why the motion to dismiss should not be granted. The Plaintiffs have failed to file a timely response to the show cause order. Therefore, the Court has reviewed the motion to dismiss without benefit of a response. The Court finds the motion well-taken. Accordingly, it is

ORDERED that the motion to dismiss be **granted** as to the Defendant Law Offices of Marshall C. Watson, P.A. due to the Plaintiffs' failure to properly serve the Defendant within 120 days from the filing of the complaint in this action. Further, the Court *sua sponte* finds that the Plaintiffs, despite notification of the Court that they had failed to properly serve the

defendants, have failed to serve any of the defendants in this case in a timely and appropriate manner. Therefore, the Court further orders that this case be dismissed as to all defendants and the Clerk of Court is directed to close this case and to terminate any pending motions.

DONE and ORDERED in Chambers, in Tampa, Florida, this 12th day of June, 2013.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to: All parties and counsel of record