

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

STEVE J. STRICKLAND,

Plaintiff,

v.

Case No. 8:12-cv-2402-T-33TGW

WAL-MART STORES, INC., ET AL.,

Defendants.

ORDER

Defendant Discovery Plastics, LLC's November 14, 2012, Memorandum of Legal Authority in Support of its Previously filed Motion for More Definite Statement (Doc. # 6) is before the Court. Discovery Plastics points out that Plaintiff Steve Strickland's Complaint alleges that the incident in question, a conflagration, occurred on two disparate dates: June 22, 2008, and October 11, 2009. Accordingly, Discovery Plastics seeks a more definite statement of the claims asserted in the Complaint so that it may form an appropriate response.

On February 7, 2013, the Court directed Strickland to respond to the Motion for More Definite Statement by February 15, 2013. (Doc. # 27). Strickland failed to respond to the Motion, and the Court accordingly considers the Motion to be unopposed. Discovery Plastics correctly identifies an inconsistency in the Complaint concerning the alleged date of

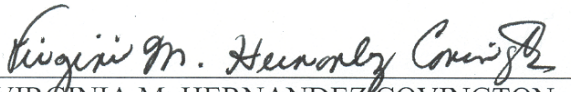
loss. In addition, the Court's independent evaluation of the Complaint reveals that a more definite statement of the claims is in order. The Complaint originated in state court, and its jurisdictional allegations (including the allegation that the damages exceed \$15,000.00) are inapposite. The Complaint also contains premises liability claims against Robert Gene Willis, and such claims have now been dismissed. Strickland is therefore directed to file an Amended Complaint by March 5, 2013.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Discovery Plastics, LLC's Motion for More Definite Statement (Doc. # 6) is **GRANTED**.
- (2) Strickland is directed to file an Amended Complaint by March 5, 2013.

DONE and ORDERED in Chambers, in Tampa, Florida, this 19th day of February 2013.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record