

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

MARK A. FREEMAN, as Personal
Representative of the Estate of Charles F.
Freeman, Jr., and MARK A. FREEMAN,

Plaintiff,

v.

CASE NO: 8:13-cv-338-T-26MAP

U.S. BANK, N.A., as Trustee of the Margaret
Freeman Trust f/b/o Charles F. Freeman, Jr.,
LANCE BROWN, AUSTIN BARNEY, III, and
AMANDA BARNEY,

Defendants.

ORDER

Upon due and careful consideration of the procedural history of this case, together with the parties' recent submissions, it is ordered and adjudged that Defendants Austin Barney, III, and Amanda Barney's Motion to Dismiss or, in the Alternative, for Reconsideration of the Court's Order Dated May 16, 2013 (Dkt. 31), and Defendant Alanson Brown's Motion to Dismiss (Dkt. 33) are denied. As persuasively pointed out by Plaintiffs, this Court previously considered and ultimately rejected the principal contentions in support of dismissal advanced by these Defendants in the Court's May 16th order filed at docket 17. As Plaintiffs further correctly contend, Defendants have failed to demonstrate that the Court should reconsider these issues anew based on an intervening change in the controlling law, the availability of new evidence, or

the need to correct clear error or prevent manifest injustice. See, e.g., Preston v. Public Storage, Inc., 2013 WL 1315585, at *1 (M.D. Fla. 2013). Accordingly, because all three Defendants have now been properly served with process, they shall file their answers and any defenses they may have to Plaintiffs' complaint on or before August 8, 2013.

DONE AND ORDERED at Tampa, Florida, on July 25, 2013.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record