

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MARY JO POPE and JAMES M.  
POPE,

Plaintiffs,

v.

Case No. 8:14-cv-891-T-33AEP

ANY SEASON INSULATION, LLC,  
and ESTATE OF DAVID VELLA,

Defendants.

\_\_\_\_\_ /

**ORDER**

This matter comes before the Court pursuant to Defendant Any Season Insulation d/b/a Bayside Installed Building Products' Motion to Dismiss Count IV of the Complaint (Doc. # 10). The Motion seeks dismissal of Count IV of the Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. (Id. at 1).

The instant Motion was filed on April 25, 2014. Pursuant to Local Rule 3.01(b) and Rule 6(d), Fed. R. Civ. P., the deadline for Plaintiffs to file a response in opposition to the Motion was, at the latest, May 12, 2014. Plaintiffs, who are represented by counsel, have failed to file a response to the Motion in the time provided by the Rules. Accordingly, the Court considers the Motion to be unopposed.


Upon due consideration of the Motion and the record before the Court, the Court grants the Motion to the extent that Count IV of the Complaint is dismissed.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

Defendant Any Season Insulation d/b/a Bayside Installed Building Products' Motion to Dismiss Count IV of the Complaint (Doc. # 10) is **GRANTED**.

**DONE and ORDERED** in Chambers in Tampa, Florida, this 14th day of May, 2014.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record