

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

JACK COELLO,

Plaintiff,

v.

Case No: 8:14-cv-2825-T-30AEP

MARVIN K. SEGARS and FEDEX
SUPPLYCHAIN SYSTEMS, INC.,

Defendants.

ORDER

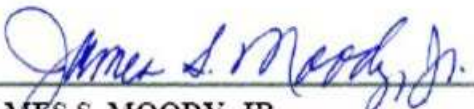
THIS CAUSE comes before the Court upon the Defendants' Motions for Partial Dismissal, to Strike, and for More Definite Statement as to Plaintiff's Third Amended Complaint (Dkt. #23). This is the Defendants' third motion seeking to dismiss, strike or obtain a more definite statement regarding Plaintiff's complaint. Plaintiff responded to the previous motions by agreeing to amend the complaint to clarify the allegations regarding Defendant Segars' negligent acts in operating his vehicle at the time of the accident. Defendants admit that the Third Amended Complaint generally states a cognizable cause of action for negligence. Although Plaintiff pleads in the alternative and does not specifically allege how Defendant Segars breached his duty of care with regard to entering the intersection at the time of the accident, the Third Amended Complaint sufficiently states " 'a short and plain statement of the claim showing that the pleader is entitled to relief,' in order to 'give the defendant fair notice of what the ... claim is and the grounds

upon which it rests.’ ” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955, 1964, 167 L.Ed.2d 929 (2007) (quoting Fed.R.Civ.P. 8; *Conley v. Gibson*, 355 U.S. 41, 47, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)).

It is therefore **ORDERED AND ADJUDGED** that:

1. Defendants’ Motions for Partial Dismissal, to Strike, and for More Definite Statement as to Plaintiff’s Third Amended Complaint (Dkt. #23) is DENIED.

DONE and **ORDERED** in Tampa, Florida, this 4th day of February, 2015.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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