

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

KAREN BEGLEY,

Plaintiff,

v.

CASE NO. 8:17-cv-137-T-26JSS

WAL-MART STORES EAST, LP,

Defendant.

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ORDER

UPON DUE AND CAREFUL CONSIDERATION of the well-pleaded allegations of the Plaintiff's second amended complaint, including paragraph 7 (seven), which this Court must accept as true at this early juncture of the proceedings, it is **ORDERED AND ADJUDGED** that the Defendant's Motion to Dismiss Negligent Mode of Operation (Dkt. 3) is **denied**. The issue raised in the motion is more appropriately raised within the context of a motion for summary judgment after the completion of discovery. Defendant shall file its amended answer and affirmative defenses within ten (10) days of this order addressing the allegations of paragraph 7 (seven).

DONE AND ORDERED at Tampa, Florida, on January 23, 2017.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record