

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

SHANE SWIFT, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

CASE NO.: 1:10cv90-SPM/AK

BANCORPSOUTH BANK,

Defendant.

_____ /

ORDER DENYING MOTION TO DISMISS AS MOOT

After Defendant filed a motion to dismiss the complaint (doc. 6), Plaintiff filed an amended complaint (doc. 9-1). Accordingly, it is

ORDERED AND ADJUDGED:

1. Defendant's motion to dismiss (doc. 6) is denied as moot.
2. The denial is without prejudice to Defendant's opportunity to file another motion to dismiss directed toward the amended complaint.

DONE AND ORDERED this 23rd day of June, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge