

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

BRANDON RICARDO SMITH,

Plaintiff,

vs.

CASE NO. 1:11-cv-226-MP-GRJ

WAL-MART STORES, INC.,

Defendant,

_____ /

ORDER

This matter is before the Court upon Plaintiff's Motion To Strike Wal-Mart's First Affirmative Defenses. (Doc. 21.) Plaintiff asks the Court to strike certain of the affirmative defenses contained in Defendant's answer to the Complaint. (Doc. 9.) However, Plaintiff filed his Second Amended Complaint adding a retaliation claim to this case on April 20, 2012. (Doc. 25.) As such, Defendant will be required to file a response to the Second Amended Complaint which will supersede Defendant's answer to the complaint thus rendering Plaintiff's Motion to Strike as moot.

Accordingly, it is **ORDERED** that:

Plaintiff's Motion To Strike Wal-Mart's First Affirmative Defenses (Doc. 21) is

TERMINATED as moot.

DONE AND ORDERED this 2nd day of May, 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge