

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

ADMIRAL INSURANCE COMPANY, CB CONTRACTORS LLC,

Plaintiffs,

v.

CASE NO. 1:12-cv-00138-MP-GRJ

FLOOR CRETE ENTERPRISES, INC.

Defendant.

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**ORDER**

This matter came before the Court for a hearing on July 11, 2013, to clear up various items of confusion regarding the parties in this case. First, in the Amended Complaint removed from state court, the plaintiff describes Floor Crete Enterprises, Inc., as a Florida corporation but agreed in the hearing that it is actually a Texas corporation. Second, plaintiff described CB Contractors, LLC, as a Florida corporation but admitted in the hearing that it is really a Georgia limited liability company. Third, the Amended Complaint listed "METLIFE INSURANCE COMPANY OF CONNECTICUT f/k/a THE TRAVELERS INSURANCE COMPANY" as a defendant, but the plaintiff later dismissed that entity<sup>1</sup> in Doc. 6. and then in Doc. 20 admitted that the proper insuring entity was "THE TRAVELERS LLOYDS INSURANCE COMPANY."

Thus, in Doc. 20, the plaintiff filed a motion to file a second amended complaint. However, the proposed second amended complaint, Doc. 21, would not correct the first two mistakes listed above. Instead, it merely would add The Travelers Lloyds Insurance Company as

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<sup>1</sup>Because Metlife was dismissed and the Second Amended Complaint has not been accepted by the Court, Floor Crete is properly the only defendant at this time.

a defendant. Thus, the proposed Second Amended Complaint is ineffective to dispel the confusion in this case. Because of this, it is hereby

**ORDERED AND ADJUDGED:**

1. The motion to amend found at Doc. 20 is denied and the proposed Second Amended Complaint at Doc. 21 is rejected, without prejudice to the plaintiff filing a Second<sup>2</sup> Amended Complaint that corrects all three mistakes listed above. The Clerk is directed to edit the docket text entry at Doc. 21 so that it begins with the words "(This proposed second amended complaint was not accepted by the court)."
2. The plaintiff shall file a Second Amended Complaint which corrects all three mistakes listed above by Monday, August 12, 2013, and shall effect service upon The Travelers Lloyds Insurance Company as soon as practicable thereafter.
3. After Travelers Lloyds Insurance Company is served, the parties shall confer to create a and file a revised Joint Report under Fed. R. Civ. P. 26(f) and revised proposed schedule similar to that at Doc. 22 within 21 days of said service.
4. The motion to dismiss at Doc. 7 is denied as moot, without prejudice to defendant filing a renewed motion to dismiss which pertains to the soon-to-be-filed Second Amended Complaint.
5. Pursuant to Fed. R. Civ. P. 15(a)(3), the Court orders that Defendant Floor Crete shall have 21 days after the filing of the Second Amended Complaint to file a response thereto.

**DONE AND ORDERED** this 16th day of July, 2013

*s/Maurice M. Paul*  
Maurice M. Paul, Senior District Judge

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<sup>2</sup>The amended complaint that plaintiff must file will still be called the Second Amended Complaint, rather than the Third, since the Court is rejecting the proposed Second Amended Complaint at Doc. 21.