

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

RJSG PROPERTIES, LLC,  
Plaintiff,

v.

Case No. 3:08cv302/EMT

MARBELLA CONDOMINIUM DEVELOPERS,  
LLC, et al.,  
Defendants.

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**ORDER**

This cause is before the court on the motions of Defendants Steven P. DelGallo and Jeffrey V. Siren, Personally and DBA Beach Properties, to “Dismiss Amended Complaint . . . or, Alternatively, for a More Definite Statement” (Docs. 33, 37), and Plaintiff’s responses in opposition thereto (Docs. 39, 43). For the reasons set forth in Defendants’ motions, the motions shall be granted to the extent Defendants seek a more definite statement. Specifically, Plaintiff shall be required to file a RICO Case Statement, specifying the facts upon which Plaintiff will rely, and the specific predicate acts and RICO violations Plaintiff will seek to prove against each Defendant. Further, the RICO Case Statement shall include the specific information requested by Defendants in the motions to dismiss (*see* Doc. 33 at 13–17; Doc. 37 at 14–17). Finally, Defendants’ motions shall be denied without prejudice to the extent they seek dismissal of Plaintiff’s complaint, with leave given to refile, if deemed appropriate, after Plaintiff has provided a more definite statement.

Accordingly, it is **ORDERED**:

1. Defendants’ motions (Docs. 33, 37) are **GRANTED** to the extent that Plaintiff shall, within **TWENTY-FIVE (25) DAYS** of the date of docketing of this order, file a RICO Case Statement as outlined in the body of this order.

2. Defendants’ motions (Docs. 33, 37) are **DENIED without prejudice** to the extent

they seek dismissal of Plaintiff's complaint.

3. Plaintiff's failure to comply with this order may result in dismissal of Plaintiff's complaint. *See* N.D. Fla. Loc. R. 41.1(B).

**DONE AND ORDERED** this 21<sup>st</sup> day of January 2009.

*/s/ Elizabeth M. Timothy*

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**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**