

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE No. 07-23288-CIV-GOLD/TURNOFF

SUE A. McDONALD,

Plaintiff,

vs.

MSC CRUISES (USA) INC.,  
and MSC Crociere, S.A.,

Defendants.  
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**ORDER DISMISSING WITHOUT PREJUDICE DEFENDANTS' MOTION TO DISMISS  
AND TO STRIKE DEMAND FOR JURY; CANCELLING ORAL ARGUMENT**

THIS CAUSE is before the Court *sua sponte*. On January 8, 2008, Defendants filed a Motion to Strike Demand for Jury Trial and to Dismiss Plaintiffs' Complaint for Failure to State a Cause of Action [DE 5]. Thereafter, on February 22, 2008, Plaintiff filed an Amended Complaint [DE 18]. Upon reviewing Defendants' Motion and Plaintiff's Amended Complaint, I have determined that Defendants' Motion is moot and should be denied without prejudice [DE 5]. I have made no determination on either the merits of the arguments contained in Defendants' Motion or the sufficiency of Plaintiff's Amended Complaint.

Accordingly, it is hereby ORDERED and ADJUDGED:

1. Defendants' Motion [DE 5] is DENIED AS MOOT WITHOUT PREJUDICE.
2. Oral Argument on Defendants' Motion to Strike and to Dismiss, previously scheduled for April 18, 2008 at 10:00 a.m. is CANCELLED.

DONE AND ORDERED in Chambers at Miami, Florida, on 11 March, 2008.



THE HONORABLE ALAN S. GOLD  
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge William Turnoff  
All Counsel of Record