

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 12-22330-CIV-SEITZ

PHYSICIANS HEALTHSOURCE, INC.,

Plaintiff,

v.

DOCTOR DIABETIC SUPPLY, LLC;
GEORGE T. HEISEL; DDS HOLDINGS, INC.;
and SANARE, LLC,

Defendants.

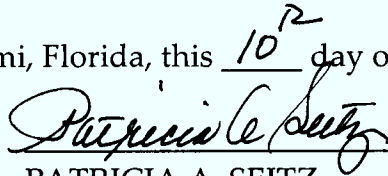
ORDER DENYING MOTIONS TO DISMISS

This matter is before the Court on Defendants' motions to dismiss [DE-162, 163], which argue that the case is moot because Defendants served offers of judgment under Rule 68 that provide Plaintiff with the full relief sought in the Complaint, even though Plaintiff did not accept these offers. The Eleventh Circuit has since ruled that "a plaintiff's individual claim is not mooted by an unaccepted Rule 68 offer of judgment." *Stein v. Buccaneers L.P.*, Case No. 13-15417, slip op. at 23 (11th Cir. Dec. 1, 2014). As Defendants concede, *Stein* is dispositive on their motions to dismiss. [See DE-187, 191, 192.] Accordingly, it is hereby

ORDERED that

- 1) Defendants Sanare's and DDS's motion to dismiss [DE-162] is DENIED.
- 2) Defendants Heisel's and DDS Holdings' motion to dismiss [DE-163] is DENIED.

DONE AND ORDERED in Miami, Florida, this 10th day of December, 2014.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE