

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 14-21340-CIV-GAYLES/TURNOFF

DIANE URE and THOMAS URE, JR.,

Plaintiffs,

v.

OCEANIA CRUISES, INC. et al.,

Defendants.

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**ORDER GRANTING MOTION FOR RECONSIDERATION**

**THIS CAUSE** comes before the Court upon Plaintiffs' Motion for Reconsideration and Rehearing of this Court's Order on Motion to Dismiss Plaintiff's Complaint, which has been Implicitly Overturned by the Eleventh Circuit [ECF 65]. The Court has reviewed the Motion, the pertinent portions of the record and is otherwise fully advised in the premises. Based thereon, it is

**ORDERED AND ADJUDGED** that Plaintiffs' Motion for Reconsideration is **GRANTED** in light of the Eleventh Circuit's ruling in *Franza v. Royal Caribbean Cruises, Inc.*, Case No. 13-13067-DD (11<sup>th</sup> Cir. Nov. 11, 2014). It is further,

**ORDERED AND ADJUDGED** that Defendant Oceania Cruises, Inc.'s Motion to Dismiss the Plaintiffs' Complaint is **GRANTED in PART and DENIED in PART**. Counts II, IV, V, and VI remain **DISMISSED without prejudice**. Counts I, III, and VIII may proceed as pled.

**DONE AND ORDERED** in Chambers at Miami, Florida this 20th day of November, 2014.

  
DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE