

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 18-cv-21765-GAYLES/OTAZO-REYES**

ANTONIA E. MOLINA and EMMANUEL  
MOLINA,

Plaintiffs,

v.

BURLINGTON COAT FACTORY  
WAREHOUSE CORP., a Foreign Profit  
Corporation and CAMILO GUZMAN,  
An individual,

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court upon Defendants', Burlington Coat Factory Warehouse Corporation ("Burlington") and Camilo Guzman, Motion to Dismiss Plaintiff's Complaint for Judicial Review and Declaratory Relief ("Motion to Dismiss"). [ECF No. 4]. Defendants filed their Motion to Dismiss on May 9, 2018. [ECF No. 4]. Under the Local Rules, Plaintiffs had 14 days to respond. S.D. Fla. L.R. 7.1(c)(1)(A). Plaintiffs have failed to do so. The Court shall, therefore, grant the Motion to Dismiss without prejudice.

Plaintiffs' Amended Complaint suffers an additional fatal flaw: it is a shotgun pleading. A district court has the obligation to identify and dismiss a shotgun pleading. *See Paylor v. Hartford Fire Ins. Co.*, 748 F.3d 1117, 1126-27 (11th Cir. 2014). The Eleventh Circuit has enumerated four types of these pleadings, all of which require amendment because they fail to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests. *Weiland v. Palm Beach Cnty. Sheriffs Office*, 792 F.3d 1313, 1323 (11th Cir. 2015).

One type is a complaint that “commit[s] the mortal sin of containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint.” *Id.* at 1321-23. Plaintiff’s Complaint falls into this category.

For the foregoing reasons, it is hereby

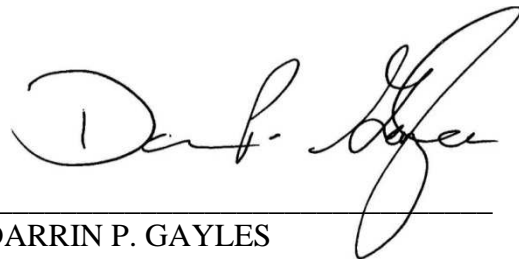
**ORDERED AND ADJUDGED** that

1. Defendants’ Motion to Dismiss Plaintiffs’ Complaint for Judicial Review and Declaratory Relief [ECF No. 4] is **GRANTED**.
2. Plaintiffs’ Complaint is **DISMISSED WITHOUT PREJUDICE**.
3. This action shall be **CLOSED**, and all pending motions are **DENIED** as moot.
4. Plaintiffs may file an Amended Complaint on or before December 14, 2018.

Plaintiffs may move to reopen this case upon filing their Amended Complaint.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 30th day of November,

2018



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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE