

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-81239-CIV-MARRA/JOHNSON

FRESH LOGISTICS, LLC, a  
Delaware limited liability company,

Plaintiff

vs.

ATLANTIS FOODS, INC., a Florida corporation,  
TIMOTHY P. DELONG, an individual,  
HOPE B. DELONG, an individual, and NECO, LLC,  
a Florida limited liability company,

Defendants.

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**ORDER AND OPINION ON MOTION TO DISMISS**

**THIS CAUSE** is before the Court upon Defendant NECO, LLC 's ("NECO") Motion to Dismiss (DE 5). Plaintiff FRESH LOGISTICS, LLC ("Plaintiff") filed a response to the motion (DE 6). The Court has carefully reviewed the motion, the response, and is otherwise fully advised in the premises.

On October 23, 2008, Plaintiff filed its Complaint. A review of the Complaint as docketed in the Court's CM-ECF system at least until March 31, 2009 reveals that the document is incomplete, missing pages 12-15 of 16, as originally numbered by Plaintiff. See DE 1. Based on NECO's assertion in its motion to dismiss that "[n]one of the Counts of the Complaint name NECO as a defendant," it is reasonable to conclude that the copy of the Complaint served on NECO was also incomplete, just as the copy that was scanned into the Court's system.


Accordingly, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. Plaintiff shall provide Defendant NECO with a complete copy of the Complaint within 10 days of the date of this Order.
2. NECO's Motion to Dismiss (DE 5) is DENIED, without prejudice.
3. NECO has 20 days from the date of receiving the complete Complaint to file a responsive pleading.

**DONE AND ORDERED** in Chambers at West Palm Beach, Palm Beach County,

Florida, this 1<sup>st</sup> day of April, 2009.

  
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KENNETH A. MARRA  
United States District Judge

copies to:  
All counsel of record