

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

OUTLAWLESSNESS PRODUCTIONS, INC.,
BANK OF OUTLAWS TOURING, INC., and
GUITAR ARMY PUBLISHING, INC.,

Plaintiffs,

v.

CASE NO: 8:10-cv-24-T-26TBM

HENRY PAUL, MONTE YOHO,
CHRIS ANDERSON, BILLY CRAIN,
RANDY THREET, JOHN COLEMAN,
JOHN GELLMAN, BLACKHAWK,
and THE HENRY PAUL BAND,

Defendants.

ORDER

Plaintiffs have repleaded their complaint as directed by the Court in an order entered March 23, 2010, at docket 10. As with the original complaint, Defendants have responded with a combined motion requesting dismissal, a more definite statement, and the striking of certain paragraphs of the repleaded complaint. And, as with the original complaint, the Court has closely reviewed the repleaded complaint and concludes that, similar to the original complaint, the repleaded complaint falls into the category of the quintessential shotgun pleading that has been condemned repeatedly by the Eleventh

Circuit Court of Appeals, most recently in Davis v. Coca-Cola Bottling Company Consolidated, 516 F.3d 955 (11th Cir. 2008).

As with the original complaint, the repleaded complaint “contains several counts, each one incorporating by reference the allegations of its predecessors, leading to a situation where most of the counts (i.e., all but the first) contain irrelevant factual allegations and conclusions.” Strategic Income Fund, L.L.C. v. Spear, Leeds & Kellogg Corp., 305 F.3d 1293, 1295 (11th Cir. 2002). Consequently, as with the original complaint, the Court will direct Plaintiffs’ counsel to file yet another repleaded complaint as authorized by Eleventh Circuit precedent. See Lumley v. City of Dade City, Fla., 327 F.3d 1186, 1192 n.13 (11th Cir. 2003); Magluta v. Samples, 256 F.3d 1282, 1284 n.3 (11th Cir. 2001).

ACCORDINGLY, it is **ORDERED AND ADJUDGED** as follows:

- 1) Plaintiffs shall file yet another repleader of their complaint, which *shall* conform to the requirements of Eleventh Circuit precedent, within fifteen (15) days of this order.
- 2) Defendants shall file their response to the repleaded complaint within fifteen (15) days of service.
- 3) The Motion to Dismiss, Alternative Motion for More Definite Statement, and Motion to Strike (Dkt. 19) are denied as moot.

DONE AND ORDERED at Tampa, Florida, on April 23, 2010.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record