

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JUAN CARLOS GIL,

Plaintiff,

v.

Case No: 2:17-cv-495-FtM-38CM

KTB FLORIDA SPORTS ARENA  
LLC,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Defendant KTB Florida Sports Arena LLC's ("KTb") Motion to Dismiss, or in the alternative, Motion to Strike ([Doc. 24](#)) filed on November 14, 2017. Plaintiff Juan Carlos Gil ("Gil") filed a Response in Opposition ([Doc. 27](#)) on December 12, 2017. After reviewing the pleadings, the Court seeks additional briefing from KTB on this issue: whether its standing arguments also implicate the merits of Gil's cause of action.<sup>2</sup> KTB should address its argument that there was no injury because Gil failed to inquire or use other effective methods of communication. Juan

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<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

<sup>2</sup> The Eleventh Circuit has addressed arguments that implicate both standing and a claim's merits. See e.g. [Morrison v. Amway Corp.](#), 323 F.3d 920, 925 (11th Cir. 2003); [Garcia v. Copenhaver, Bell & Associates, M.D.'s, P.A.](#), 104 F.3d 1256, 1266 (11th Cir. 1997).

Carlos Gil will be given an opportunity to respond. Once the briefings are supplied, the Court will hold oral argument.

Accordingly, it is now

**ORDERED:**

- (1) Defendant KTB Florida Sports Arena, LLC shall submit additional briefing, not exceeding five (5) pages in length, on the issues specified in this Order by January 26, 2018.
- (2) Plaintiff Juan Carlos Gil shall file a response to the additional briefing, not exceeding five (5) pages in length, by February 2, 2018.
- (3) Counsel shall appear **in person** for a hearing on **Wednesday, February 21, 2018 at 9:30 a.m.** The hearing will be held in Courtroom 5D of the United States Courthouse and Federal Building at 2110 First Street, Fort Myers, Florida 33901. The Clerk is directed to send out a notice of hearing under separate cover.

**DONE** and **ORDERED** in Fort Myers, Florida this 19th day of January, 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record