

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GREGORY GIBBS and TATONYA
HUGGINS, on behalf of himself and
those similarly situated

Plaintiffs,

v.

Case No: 2:18-cv-434-FtM-38MRM

MLK EXPRESS SERVICES, LLC,
AMAZON LOGISTICS, INC.,
AMAZON.COM SERVICES, INC.,
MANIHONG M. PHANOUVONG,
LILA V. PHANOUVONG,
AMAZON.COM, INC. and AG PLUS
EXPRESS, LLC,

Defendants.

ORDER¹

Before the Court is Defendant AG Plus Express, LLC's Unopposed Motion for Leave to File an Amended Motion to Dismiss ([Doc. 55](#)). To make its argument, AG Express' motion to dismiss refers to page numbers, section numbers, and counts from the original complaint instead of the operative amended complaint. It now seeks to file an amended motion to dismiss to fix these errors. The Court finds good cause to grant AG Express' motion.

¹ 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.

Accordingly, it is now


ORDERED:

1. Defendant AG Plus Express, LLC's Unopposed Motion for Leave to File an Amended Motion to Dismiss ([Doc. 55](#)) is **GRANTED**.

a. AG Express' Motion to Dismiss ([Doc. 52](#)) is **DENIED as moot**. AG Express must file its amended motion to dismiss **on or before November 3, 2018**.

b. Plaintiffs must file a response to AG Express' amended motion **on or before November 17, 2018**.

DONE and **ORDERED** in Fort Myers, Florida this 30th day of October 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record