

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PFL PETROLEUM SERVICES  
LIMITED, a Florida Limited Partnership

Plaintiff,

v.

Case No: 2:18-cv-706-FtM-99MRM

TRACY RAIL SERVICE, TRACY  
ENTERPRISES and CHRISTOPHER  
ELGIN TRACY,

Defendants.

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

This matter comes before the Court on the parties' Stipulation for Order Granting Defendants' Motion to Dismiss Complaint Without Prejudice With Leave for Plaintiff to File its Amended Complaint ([Doc. 17](#)) filed on December 4, 2018. The parties agree that the Complaint can be dismissed without prejudice and Plaintiff may file an Amended Complaint within twenty days, which would moot Defendants' Motion to Dismiss ([Doc. 8](#)). Because the parties agree, and this case was only recently filed, the Court will allow the amendment. **Failure to file an Amended Complaint will result in the Court closing the case without further notice.** Because Defendants' Motion to Strike Attorneys' Fee Request ([Doc. 9](#)) contemplates striking attorneys' fees from the Complaint, that motion

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will be denied as moot as well. Furthermore, because the Motion to Remand ([Doc. 14](#)) refers to and relies on the allegations in Plaintiff's Complaint, the Motion will be denied without prejudice to re-filing within fourteen days of the Amended Complaint.

Accordingly, it is now

**ORDERED:**

(1) Plaintiff's Complaint ([Doc. 1](#)) is **dismissed without prejudice** to filing an Amended Complaint by **December 26, 2018**.

(2) Defendants' Motion to Dismiss ([Doc. 8](#)) is **DENIED as moot**.

(3) Defendants' Motion to Strike Plaintiff's Requests for Attorneys' Fees ([Doc. 9](#)) is **DENIED as moot**.

(4) Plaintiff's Motion for Remand ([Doc. 14](#)) is **DENIED as moot** and may be re-filed within fourteen days of the filing of the Amended Complaint.

**DONE** and **ORDERED** in Fort Myers, Florida this 6th day of December, 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record