

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

JESSE A. SHERROD, III and
DEBORAH J. SHERROD,

Plaintiffs,

v.

CASE NO. 8:18-cv-1254-T-26CPT

SUNTRUST MORTGAGE, INC.,

Defendant.

ORDER

UPON DUE AND CAREFUL CONSIDERATION of the procedural history of this case, it is **ORDERED AND ADJUDGED** that Defendant's Amended Motion to Strike Plaintiffs' Demand for Jury Trial (Dkt. 12) is denied without prejudice. Although Defendant has clarified the correct date on which the mortgage between the parties was executed, the Court is still of the opinion that this issue should be resolved after the completion of full discovery. See Bank of Am., N.A. v. Grec Homes IX, LLC, 2014 WL 351962, at *18 (S.D. Fla. 2014) (stating that "[a]t this stage of the litigation, and on a motion to strike, the Court is not persuaded it is abundantly clear the jury trial waivers are

enforceable.”) (citing Merrill Lynch Bus. Fin. Servs. v. Performance Machine Sys. U.S.A., Inc., 2005 WL 975773, at *3 (S. D. Fla. 2005)).¹

DONE AND ORDERED at Tampa, Florida, on June 21, 2018.

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

COPIES FURNISHED TO:
Counsel of Record

¹ The Court notes that because the Court has yet to enter a case management and scheduling order, the parties are precluded from engaging in discovery. See Local Rule 3.05(c)(2)(B) (stating in pertinent part that “[u]nless otherwise ordered by the Court, a party may not seek discovery from any source before the [case management] meeting.”)