

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TRADEWIND INVEST, LLC,

Plaintiff,

v.

Case No: 6:18-cv-1344-Orl-40DCI

ITF AUTO PARTS, INC., WILSON
HENRIQUE TRILHA FILHO, WHEEL
PERFORMANCE OF FLORIDA, LLC,
GABRIELLE HENRY and HUNTLEY
HENRY,

Defendants.

ORDER

This cause comes before the Court on Defendant ITF Auto Parts, Inc.'s ("**ITF Auto**") Motion to Dismiss the Crossclaim by Defendant Wheel Performance (Doc. 50 (the "**Motion**")), filed October 26, 2018. Wheel Performance's response was due on or before **November 9, 2018**. See Local Rule 3.01(b) (requiring that a party opposing a motion file a response within fourteen days after receiving service of the motion). Under Local Rule 3.01(b), such response must include memorandum of legal authority not to exceed twenty pages in length. On November 9, 2018, Wheel Performance filed an Amended Crossclaim (Doc. 55), which the Court struck as untimely. (Doc. 56). Therefore, to date, Wheel Performance has not responded to the Motion.

In the absence of a response, the Court finds that the Motion is due to be granted as unopposed. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Defendant ITF Auto's Motion to Dismiss the Crossclaim by Defendant Wheel Performance (Doc. 50) is **GRANTED**.

2. Defendant Wheel Performance's Crossclaim (Doc. 29) is **DISMISSED WITHOUT PREJUDICE.**

3. On or before **Tuesday, November 20, 2018**, Defendant Wheel Performance may seek leave to file an amended crossclaim. Failure to timely file will result in dismissal of this action with prejudice.

DONE AND ORDERED in Orlando, Florida on November 13, 2018.


PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties