

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 1:10-cv-24513-JLK

JEAN RESNICK, et al.,

Plaintiffs,

vs.

AVMED, INC., d/b/a AvMed,
a Florida Corporation

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS SECOND AMENDED
COMPLAINT**

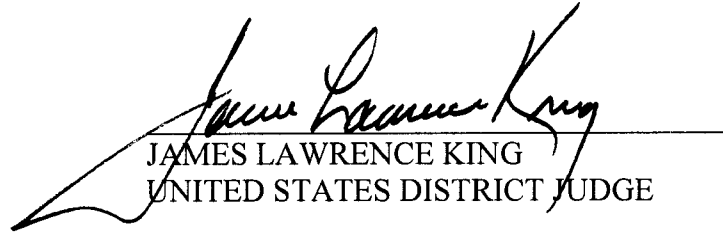
THIS CAUSE comes before the Court upon Defendant's Motion to Dismiss Second Amended Class Action Complaint (DE #33), filed May 12, 2011.¹ Therein, Defendant seeks dismissal of Plaintiffs' Second Amended Complaint on numerous bases. Upon consideration, the Court finds that Defendant's Motion must be granted. Among its other deficiencies, Plaintiffs' Second Amended Complaint again fails to allege any cognizable injury.

Accordingly, after careful consideration and the Court being otherwise fully advised, it is **ORDERED, ADJUDGED, and DECREED** that:

1. Defendant's Motion to Dismiss (DE #33) be, and the same is hereby, **GRANTED.**
2. Plaintiffs' Second Amended Complaint (DE #31) is **DISMISSED with prejudice.**
3. The Clerk shall **DENY** all pending motions as moot, and **CLOSE** the case.

¹ Plaintiffs responded on May 31, 2011 (DE #35), to which Defendant filed its Reply (DE #37) on June 10, 2011. Defendant's Motion to Dismiss is therefore ripe for determination.

DONE and **ORDERED** in Chambers at the James Lawrence Federal Justice Building and United States Courthouse in Miami, Florida on this 12th day of July, 2011.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE

cc:

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