

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UPSTATE HOLDINGS, LLC

v.

CASE NO. 8:26-cv-43-SDM-CJT

DAVID J. HEIL, et al.

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ORDER

The defendants move (Doc. 54) to dismiss the second amended complaint (Doc. 53). The plaintiff responds in opposition (Doc. 55). A careful review of the second amended complaint, the motion to dismiss, and the response confirms that the second amended complaint is not in the form of an impermissible “shotgun pleading”; that the allegations of fact sufficiently comply with Rule 8, Federal Rules of Civil Procedure; and that for the reasons, among others, stated by the plaintiff at pages six through eleven of the response the second amended complaint “contains sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its fact.” *Am. Dental Ass’n. v. Cigna Corp.*, 605 F.3d 1283, 1289 (11th Cir. 2010). The motion (Doc. 54) to dismiss is **DENIED**.

ORDERED in Tampa, Florida, on July 30, 2026.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE