

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-81113-CIV-MARRA/JOHNSON

IN RE PEGASUS WIRELESS
CORPORATION SECURITIES
LITIGATION

ORDER

THIS CAUSE is before the Court upon Defendant Pollard-Kelly Auditing Services, Inc.'s Motion to Dismiss the Complaint [DE 103]. The motion is based on Plaintiffs' initial complaint to which no responsive pleading has been filed. On July 11, 2008, Plaintiffs filed as a matter of course an Amended Complaint. Fed.R.Civ.P. 15(a). The Amended Complaint renders Pollard-Kelly Auditing Services, Inc.'s Motion to Dismiss moot. Therefore, it is hereby

ORDERED AND ADJUDGED that Defendant Pollard-Kelly Auditing Services, Inc.'s Motion to Dismiss the Complaint [DE 103] is **DENIED** without prejudice.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 14th day of July, 2008.



KENNETH A. MARRA
United States District Judge

copies to:

All counsel of record