

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-81389-CIV-CANNON

PAMELA KNOPMAN,

*Plaintiff, individually and on
behalf of all others similarly situated,*

v.

**TARGET CORPORATION,
WAL-MART STORES EAST LP,
and WALMART INC.,**

Defendants.

ORDER DISMISSING SHOTGUN COMPLAINT AND PERMITTING REPLEADING

THIS CAUSE comes before the Court upon a sua sponte review of the record. On October 16, 2023, Plaintiff filed a three-count Complaint against Defendants for violating a Florida law prohibiting sales tax on the sale of Florida and United States flags [ECF No. 1]. The second count in the Complaint, however, incorporates all preceding allegations, thus rendering the Complaint an impermissible “shotgun pleading” [ECF No. 1 ¶ 81]. *See Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1321 (11th Cir. 2015) (“The most common type [of shotgun pleading]—by a long shot—is a complaint containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint.”). The Court has an independent obligation to dismiss such pleadings and require replader.

Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

CASE NO. 23-81389-CIV-CANNON

1. The Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
2. Plaintiff may file an amended complaint in accordance with this Order on or before **October 27, 2023**. **The amended complaint must not contain any successive counts that incorporate all prior allegations.** In other words, Counts I and II may incorporate the same factual allegations (paragraphs 1 through 45), but Counts II and III must not broadly incorporate the allegations of previous counts. **Further, each count must identify the particular legal basis for liability and contain specific factual allegations supporting each cause of action within each count.**
3. Failure to comply with this Order may result in dismissal of the case without further notice.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 17th day of October 2023.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record