

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR PALM  
BEACH COUNTY, FLORIDA

DAVID MENDEZ and LILLIAN MENDEZ,  
on behalf of themselves and all others  
similarly situated,

CASE NO. 02-13717 AJ

Plaintiffs,

vs.

FLORIDA DEPARTMENT OF  
AGRICULTURE AND CONSUMER  
SERVICES, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER DENYING DEFENDANTS' MOTION  
TO DISMISS SECOND AMENDED CLASS ACTION COMPLAINT**

THIS CAUSE came before the Court on February 24, 2006, on Defendants' Motion to Dismiss Second Amended Class Action Complaint. Having reviewed the motion and opposing memorandum, having heard argument of counsel, and being otherwise fully advised in the premises, this Court hereby ORDERS AND ADJUDGES as follows:

1. Defendants' Motion to Dismiss Second Amended Class Action Complaint is hereby denied for the reasons announced in open court.
2. Defendants shall file an answer to Plaintiffs' Second Amended Class Action Complaint within ten <sup>30</sup> (10) days of this order.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida,  
this \_\_\_\_\_ day of February, 2006.

SIGNED AND DATED

FEB 24 2006

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JUDGE THOMAS H. BARKDULL III  
Thomas H. Barkdull, III  
Circuit Court Judge

Copies provided to:  
Counsel of Record

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