

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THE LANDINGS YACHT, GOLF
AND TENNIS CLUB, INC.,

Plaintiff,

v.

Case No.: 2:22-cv-464-SPC-NPM

TRAVELERS CASUALTY &
SURETY COMPANY OF
AMERICA,

Defendant.

ORDER¹

Before the Court is Defendant Travelers Casualty & Surety Company of America's Motion to Dismiss ([Doc. 19](#)). Plaintiff The Landings Yacht, Golf and Tennis Club, Inc. responded in opposition ([Doc. 20](#)). The Court denies the Motion. Because the Court writes only for the parties—who are familiar with the facts—it just includes what is necessary to explain that decision.

The Court dismissed Landings' earlier pleading in part. ([Doc. 16](#)). Landings amended. ([Doc. 18](#)). At this stage of the litigation, that amendment

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is enough. And the law and analysis from the Court's last Order largely apply here too.

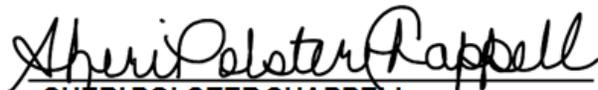
The Complaint alleges unauthorized users purporting to be Landings transmitted fraudulent instructions to the bank through Payroll. The Court must accept the well-pled allegations as true and view them most favorably to Landings. *E.g.*, [Wiersum v. U.S. Bank, N.A., 785 F.3d 483, 485 \(11th Cir. 2015\)](#). Travelers' argument is well taken. And perhaps Landings will not be able to prove its case related to these transactions. But the substance of the instructions is not before the Court right now. So it must leave for another day a resolution of the parties' dispute over the specifics of the instructions received by the bank.

Accordingly, it is now

ORDERED:

Defendant's Motion to Dismiss the Amended Complaint ([Doc. 19](#)) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on September 2, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record