

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

SCOTT BRANCHEAU; MARION
LOVERDE; CHARLES LOVERDE; and
DEBORAH FROGAMENI,

Plaintiffs,

v.

Case No. 6:11-cv-1416-Orl-31DAB

SECRETARY OF LABOR; ASSISTANT
SECRETARY OF LABOR;
OCCUPATIONAL HEALTH AND
SAFETY ADMINISTRATION; and
UNITED STATES DEPARTMENT OF
LABOR,

Defendants.

SEAWORLD PARKS &
ENTERTAINMENT, LLC,

Plaintiff-Intervenor,

v.

SECRETARY OF LABOR; ASSISTANT
SECRETARY OF LABOR;
OCCUPATIONAL HEALTH AND
SAFETY ADMINISTRATION; and
UNITED STATES DEPARTMENT OF
LABOR,

Defendants.

STATUS REPORT

Plaintiff-Intervenor SeaWorld Parks & Entertainment, LLC, (“SeaWorld”), by and through undersigned counsel, hereby submits the following status report pursuant to the Court’s Endorsed Order, at D.E. 63 (the “Order”):

The Order made the following request of the parties: “In light of the dismissal of the interlocutory appeals, the parties are ORDERED to file, on or before April 18, 2013,

a status report as to whether any issues remain to be resolved or whether dismissal is warranted.” In response, SeaWorld states that the specific claims asserted in SeaWorld’s Amended Intervenor’s Complaint, which were limited to one particular document in the possession of Defendants, have been resolved, and thus dismissal of those claims without prejudice is warranted. SeaWorld expressly reserves and does not waive any and all rights and remedies available at law or in equity or otherwise as to any matters other than the specific claims raised in its Amended Intervenor’s Complaint related to the particular document referenced therein.

Respectfully submitted,

/s/ **Gregory W. Herbert**

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CERTIFICATE OF SERVICE

I CERTIFY that on April 18, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send notice of the filing to the following:

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