

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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RANDOLPH S. KOCH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1521 (PLF)
)	Civil Action No. 09-2111 (PLF)
MARY L. SCHAPIRO, Chairman,)	Civil Action No. 10-0150 (PLF)
Securities and Exchange Commission,)	Civil Action No. 11-1645 (PLF)
<u>et al.</u> ,)	Civil Action No. 12-0301 (PLF)
)	
Defendants.)	
_____)	

MEMORANDUM OPINION AND ORDER

This matter is before the Court on the motion of defendant, Mary L. Schapiro, in Civil Action No. 08-1521 for a status conference so that the parties and the Court can discuss how best to proceed in that case and the other related cases brought by plaintiff, Randolph S. Koch, pending before this Court. The Court agrees that a status conference is appropriate and will grant Ms. Schapiro’s motion.

On March 30, 2011, the Court stayed Civil Action Nos. 08-1521, 09-2111, and 10-0150 in their entirety. See Order at 2 (“Stay Order”), Mar. 30, 2011 [Dkt. No. 47, in Civil Action No. 08-1521]. As the Court stated in its Stay Order, there is a pending dispositive motion in each of those three cases:

In Civil Action No. 08-1521, a motion for summary judgment was filed on August 26, 2010. In Civil Action No. 09-2111, a motion to dismiss or, in the alternative, for summary judgment was filed on June 4, 2010. In Civil Action No. 10-0150, a motion to dismiss or, in the alternative, for summary judgment was filed on September 27, 2010.

Id. at 1.

Mr. Koch has not yet responded to any of those pending motions. Instead, he has filed multiple motions for extension of time, all of which the Court granted, because of ongoing health problems. As the Court stated in its Stay Order: “In Civil Action No. 08-1521, [Mr. Koch] has filed five motions for extension of time to respond to the dispositive motion. In Civil Action No. 09-2111, [Mr. Koch] has filed seven motions for extension of time. In Civil Action No. 10-0150, [Mr. Koch] has filed four motions for extension of time.” Stay Order at 1.

In view of Mr. Koch’s ongoing health problems and his multiple motions for extension of time, the Court, on March 30, 2011, stayed Civil Action Nos. 08-1521, 09-2111, and 10-0150 in their entirety. As the Court stated:

Because Mr. Koch, although a lawyer, is acting *pro se* in these matters, the Court is sympathetic to his situation and certainly hopes that his health improves. Nevertheless, he is the plaintiff in these cases and at some point must either pursue his claims or abandon them. Rather than put any pressure on Mr. Koch to do so at the present time, however, the Court will stay these cases in their entirety until Mr. Koch is healthy enough to respond adequately to the pending motions.

Stay Order at 2. The Court therefore ordered that, “when he is able to do so, Mr. Koch will simultaneously file in each case a motion to lift the stay imposed by this Order and a response to the pending dispositive motions.” Id.

More than a year has gone by since the Court entered its Stay Order. Although Mr. Koch has not filed a motion to lift the stay, he has filed two new cases, Civil Action Nos. 11-1645 and 12-0301, now pending before this Court. That Mr. Koch was able to file two new cases suggests that he now is able to respond adequately to pending motions. Yet Mr. Koch again has requested an extension of time to respond to a motion to dismiss filed in Civil Action

No. 11-1645, again on the basis of ongoing health motions. See Pl. Mot. for Extension of Time at 1-10, Apr. 16, 2012 [Dkt. No. 7, in Civil Action No. 11-1645].

The time has come for Mr. Koch to pursue his cases or abandon them. See Stay Order at 1. The Court therefore will set a status conference at which the parties and the Court will address how best to proceed in all of the above-captioned cases before this Court; Mr. Koch will be required to show cause why the Court's Stay Order should not be lifted and why he should not be ordered to file responses to all pending dispositive motions promptly. Mr. Koch will be permitted to participate in this status conference by telephone, but, if he chooses to do so, he must make the necessary arrangements with the Court's courtroom deputy, Michelle Moon, at (202) 354-3155, before the status conference.

Accordingly, it is hereby

ORDERED that the motion of defendant, Ms. Schapiro, for the setting of a status conference [Dkt. No. 49, in Civil Action No. 08-1521] is GRANTED; it is

FURTHER ORDERED that the parties shall appear before the Court for a status conference on May 4, 2012 at 9:30 a.m.; it is

FURTHER ORDERED that, at that status conference, Mr. Koch shall show cause why the Court's Stay Order should not be lifted and why Mr. Koch should not be required to file responses to all pending dispositive motions promptly; and it is

FURTHER ORDERED that Mr. Koch shall be permitted to appear by telephone for the status conference.

SO ORDERED.

DATE: April 25, 2012

/s/

PAUL L. FRIEDMAN
United States District Judge