

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

COMERICA BANK,

Plaintiff,

-vs-

Case No. 2:10-cv-126-FtM-29SPC

ANDREW HILL; ANDREW HILL
INVESTMENTS ADVISORS, INC.; JENNIFER
FIGURELLI,

Defendants.

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ORDER

This matter comes before the Court on the Plaintiff, Comerica Bank and the Defendant Andrew Hill, *et. al.*'s Joint Motion to Defer Case Management Conference/Deadlines Pending Disposition of Motion to Compel Arbitration and/or to Permit Telephonic Participation at the Case Management Conference (Doc. #15) filed on April 20, 2010.

The Parties move the Court to stay the meeting and preparation of the Case Management Report pending a ruling on the Motion to Dismiss or Compel Arbitration (Doc. # 11) filed on March 18, 2010. As the Parties noted in their Joint Motion, it is not the general practice of the Court to stay the Case Management Conference pending a ruling on a dispositive motion. M.D. Fla. Local Rule 3.05(c)(2)(B). The Court does not find good cause to change that general practice in this case. Thus, the Motion to Stay Case Management Conference is due to be denied.

The Parties also move the Court to allow the Case Management Conference to proceed telephonically. The Court as a general practice encourages the use of telephonic conferences where

feasible. In this case, good cause exists to grant the Motion to appear via telephone for the Case Management Conference.

Accordingly, it is now

ORDERED:

The Plaintiff, Comerica Bank and the Defendant Andrew Hill, *et. al.*'s Joint Motion to Defer Case Management Conference/ Deadlines Pending Disposition of Motion to Compel Arbitration and/or to Permit Telephonic Participation at the Case Management Conference (Doc. #15) is **GRANTED** in part and **DENIED** in part.

(1) The Plaintiff, Comerica Bank and the Defendant Andrew Hill, *et. al.*'s Joint Motion to Defer Case Management Conference/ Deadlines Pending Disposition of Motion to Compel Arbitration is **DENIED**.

(2) The Plaintiff, Comerica Bank and the Defendant Andrew Hill, *et. al.*'s Joint Motion to Permit Telephonic Participation at the Case Management Conference is **GRANTED**.

DONE AND ORDERED at Fort Myers, Florida, this 26th day of April, 2010.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record