

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

LESLIE A. FATTORUSSO; GERALD N.  
HARRINGTON,

Plaintiffs,

-vs-

Case No. 2:10-cv-201-FtM-36SPC

THE M/V WANDERER II, (official number  
1052543), its engines, tackle, apparel, etc. , in rem  
and BLAYNE HASS, in personam,

Defendants.

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**ORDER**

This matter comes before the Court on the Court's Order to Show Cause (Doc. #50) filed on April 4, 2011. A hearing was held before the undersigned on April 18, 2011. The Plaintiffs were represented by Attorney Eric Thiel, Esq. of the law firm of Banker Lopez Gassler. The Defendant Blayne Hass appeared *pro se*.

On March 15, 2011, the Court directed the Defendant Hass to inform the Court whether or not he intended to appear *pro se* or retain counsel to represent his interest in this case. The Defendant had up to and including March 25, 2011, to file his response. No response was filed. The Court issued a subsequent Order to Show Cause on April 4, 2011, directing the Defendant to appear in person and show cause why he has failed to respond to the Court's previous Order. The Defendant appeared at the hearing, and stated that he has been searching for new counsel but has been unable to obtain new representation. The Defendant stated that he has been unemployed and

therefore, unable to find new counsel. The Defendant will therefore, proceed *pro se* until such time as he can obtain new counsel.

On March 7, 2011, the Plaintiffs filed their Motion for Summary Judgment and to date no response has been filed by the Defendant. The Court afforded the Defendant ten (10) days to file a response to the Plaintiffs' Motion.

The Court also inquired whether the parties would be amenable to a settlement conference before a magistrate judge. The parties were in agreement that they would be willing to enter into settlement negotiations. The Court noted the request and will advise the District Court.

Accordingly, it is now

**ORDERED:**

- (1) No further action will be taken on the Order to Show Cause (Doc. #50).
- (2) The Defendant Blayne Hass shall proceed *pro se* in this action until or if he is able to retain counsel.
- (3) The Defendant Blayne Hass has up to and including **Friday, April 29, 2011**, to file a response to the Motion for Summary Judgment.
- (4) The Court will take under **Advisement** the Parties request for a Settlement Conference before a United States Magistrate Judge.

**DONE AND ORDERED** at Fort Myers, Florida, this 18th day of April, 2011.

  
SHERI POLSTER CHAPPELL  
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record