

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

**STACEY SUE BERLINGER, BRIAN
BRUCE BERLINGER and
HEATHER ANNE BERLINGER, as
Beneficiaries to the Rosa B. Schwiker
Trust and all of its related trusts**

Plaintiffs,

V.

Case No: 2:11-CV-459-FtM-UASPC

**WELLS FARGO, N.A. AS
SUCCESSOR TO WACHOVIA
BANK, N.A.**

Defendant.

ORDER

This matter comes before the Court on Wells Fargo Bank, N.A.'s Motion for Enlargement of Time to File Revised Case Management Report Pursuant to Court's Order of April 19, 2012 (Doc. #63) filed on April 30, 2012. Defendant requests additional time to file a revised case management report. On April 19, 2012, this Court ordered the Parties, at that time Wells Fargo and Plaintiffs to submit a new joint case management report with new proposed dates that will govern the remainder of this action. (Doc. #58). This Court also granted Wells Fargo's Motion for Leave to File a Third-Party Complaint against Bruce Berlinger and Sue Casselberry. Thereafter, Bruce Berlinger filed a Motion to Disqualify Amy S. Rubin and the Law Firm of Fox Rothschild (Doc. #71), in addition to a Motion to Dismiss directed to the Third-Party Complaint. (Doc. #70).

Given the fact that there is a pending motion to disqualify counsel for the Defendant and the Court has stayed the case (Doc. #72), the Court finds that the instant Motion is due to be denied as moot as all deadlines in this case are stayed.¹ The Parties shall file a joint revised case management report within 20 days of the Court's ruling on the Motion to Disqualify.

Accordingly, it is now

ORDERED:

Wells Fargo Bank, N.A.'s Motion for Enlargement of Time to File Revised Case Management Report Pursuant to Court's Order of April 19, 2012 (Doc. #63) is **DENIED as moot** as this matter has been stayed. (See Doc. #72). The Parties shall file a joint revised case management report within **20 days** of the Court's ruling on the Motion to Disqualify.

DONE and ORDERED in Fort Myers, Florida this 9th Day of May, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record

¹ An additional ground upon which Defendant moves to extend the deadline is the fact that Sue Casselberry's counsel, Alan Braverman, realized that his admission to the Middle District of Florida had expired and therefore he would not be able to participate in the scheduling conference. Defense counsel asserts that Mr. Braverman is in the process of renewing his admission, but it will "probably take a few weeks." It is Mr. Braverman's responsibility to renew his admission as soon as possible and the Court will not find his failure to do so good grounds to extend proceedings in this matter in the future.