

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FRANK LATELL,

Plaintiff,

v.

Case No: 2:13-cv-565-FtM-29CM

PETER C. TRIANO and  
SANTANDER BANK, NATIONAL  
ASSOCIATION,

Defendants.

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**ORDER**

Before the Court is Plaintiff's Motion for Extension of Time and for Ruling on Defendants' Motions to Dismiss (Doc. 45) and Defendants' Response (Doc. 47). Also before the Court is Defendants' Agreed Motion for Extension of Time to File Amended Case Management Report (Doc. 46). For the reasons stated herein, the Motions are granted in part and denied in part.

**1. Plaintiff's Motion for Ruling or Extension of Time to File Second Amended Complaint**

Defendants have moved to dismiss *pro se* Plaintiff Frank Latell's claims in the Amended Complaint. Docs. 24, 27, 28. On March 20, 2014, Plaintiff filed a supplemental response to Defendants' standing argument, requesting leave to amend his complaint to assert the claims in the names of Latell Croix Apartments, Ltd. and Latell Peppertree Apartments, Ltd. Doc. 43.

On May 21, 2014, the Court took the Motions to Dismiss under advisement, granted Plaintiff leave to further amend his complaint, and directed Plaintiff either

to file his second amended complaint or a notice that no further amended complaint will be filed within 14 days of the Court's Order. Doc. 44 at 2.

Rather than file a second amended complaint, Plaintiff filed the instant Motion, requesting that the Court rule on the Motions to Dismiss prior to his filing an amended complaint because Plaintiff does not want to incur legal fees for counsel to file a second amended complaint on behalf of the partnership until he knows whether or not he has standing to bring the lawsuit individually. Plaintiff further requests that in the event the Court is unwilling to first rule on the Motions to Dismiss, that Plaintiff is granted an additional 14 days to secure counsel and file a second amended complaint.

The Court previously informed Plaintiff that it has taken the Motions to Dismiss under advisement. The Court will, however, afford Plaintiff an additional 14 days to file a second amended complaint, if he wishes to do so, and will reserve ruling on the Motions to Dismiss during that time period. If Plaintiff does not plan to file a second amended complaint, he is directed to file a notice with the Court within the 14-day time period that no further amendment will be filed.

**2. Defendants' Motion for Extension to File Amended Case Management Report**

On February 28, 2014, the Court granted a request to stay discovery in this matter for a period of 90 days because of the pending Motions to Dismiss challenging personal jurisdiction, standing, and the legal sufficiency of the amended complaint, and directed the parties to file an amended case management report after the expiration of the 90 days. Docs. 27, 28, 41. The 90-day time period has expired. Given this posture, the parties request that the Court grant a further extension of

time to file an amended case management report until either Plaintiff has filed a second amended complaint or the Court has denied the Motions to Dismiss.

In light of the extension of time for Plaintiff to file a second amended complaint, the Court will grant the parties additional time to file an amended case management report until after the Plaintiff has filed a second amended complaint or a notice that no further amended complaint will be filed.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Plaintiff's Motion for Extension of Time and for Ruling on Defendants' Motions to Dismiss (Doc. 45) is **GRANTED** to the extent that Plaintiff will be permitted to file a second amended complaint, if he wishes, or a notice with the Court that no further amended complaint will be filed, on or before on or before **July 3, 2014**; the Motion is otherwise **DENIED**.

2. Defendants' Agreed Motion for Extension of Time to File Amended Case Management Report (Doc. 46) is **GRANTED IN PART** and **DENIED IN PART**. The parties are granted an extension until **July 17, 2014** to file an amended case management report.

**DONE** and **ORDERED** in Fort Myers, Florida on this 19th day of June, 2014.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:

Counsel of record  
Unrepresented parties