

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JOSHUA BASHORE, on his own  
behalf and others similarly situated

Plaintiff,

v.

Case No: 2:14-cv-296-FtM-29CM

PERFORMANCE PLUMBING OF  
SOUTHWEST FLORIDA, INC.,  
LARRY LANGLEY and RANDAL  
LANGLEY,

Defendants.

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**ORDER**

Before the Court is Defendant Performance Plumbing of Southwest Florida, Inc.'s Unopposed Motion for Enlargement of Time to Obtain Counsel (Doc. 21), filed on September 29, 2014. The motion was filed by Larry Langley, President of Performance Plumbing of Southwest Florida, Inc. ("Performance"), who is also named as a Defendant in his individual capacity in this matter.<sup>1</sup> Performance requests an extension of the time during which to secure counsel, up to and including October 9, 2014. Doc. 21 at 1. The motion contains a certificate pursuant to Local Rule 3.01(g), stating that counsel for Plaintiff does not oppose the requested extension.

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<sup>1</sup> Ordinarily, a corporation may not be represented by a person who is not an attorney. The Court recognizes, however, that because the Order to Show Cause (Doc. 20), entered on September 26, 2014, required a response before the expiration of the time period during which the parties have now agreed that Mr. Langley may obtain counsel for Performance, Mr. Langley was faced with a choice to either file a *pro se* response to the Order to Show Cause on behalf of Performance, or not file a response at all and risk default judgment. Accordingly, the Court will not strike the motion.

On September 26, 2014, the Court entered an Order to Show Cause requiring Performance to show cause in writing, **through counsel**, on or before October 6, 2014 why it failed to secure counsel within the time permitted by the Court's prior Order. *See* Doc. 12. The instant motion states that Performance did not receive a copy of the Court's prior Order requiring it to secure counsel on or before September 5, 2014 and just became aware of the Order and its deadlines,<sup>2</sup> but that Performance is diligently seeking to obtain counsel. Thus, the Court will construe the instant motion as a response to the Order to Show Cause. Moreover, although the Order to Show Cause directed that a response be filed through counsel, because Performance represents that it was not aware of the Court's Order requiring it to secure counsel by September 5, 2014, and further because Plaintiff has assented to the extension, the Court will accept the motion as filed and grant the requested extension. The Court also will not take any further action on the Order to Show Cause. **Performance is again cautioned that failure to obtain counsel within the time permitted by this Order will result in the Court recommending that default judgment be entered against Performance Plumbing of Southwest Florida, Inc.**

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<sup>2</sup> The Court notes that the Order requiring Performance to secure counsel directed that copies be sent to "counsel of record" and "unrepresented parties." That Order also struck a Response to Plaintiff's Complaint filed by Larry Langley on behalf of himself, individually, and on behalf of Performance. The Court ordered Larry Langley, individually, to file a response to Plaintiff's Complaint within thirty days. Mr. Langley filed a Response the next day. *See* Doc. 15.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendant Performance Plumbing of Southwest Florida, Inc.'s Unopposed Motion for Enlargement of Time to Obtain Counsel (Doc. 21) is **GRANTED**. Performance shall have up to and including **October 9, 2014** during which to secure counsel, who should file a Notice of Appearance by that date.

2. The Court will take no further action on the Order to Show Cause (Doc. 20).

**DONE** and **ORDERED** in Fort Myers, Florida on this 1st day of October, 2014.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:

Counsel of record  
Performance Plumbing of Southwest Florida, Inc.,  
c/o Larry Langley