

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FIRST MUTUAL GROUP, LP,

Plaintiff,

v.

Case No: 2:14-cv-673-FtM-38MRM

DONALD R. WARD, JR.,

Defendant.

ORDER¹

This matter comes before the Court on review of the docket. On September 28, 2015, the Court entered an Order to Show Cause, requiring Defendant to show cause as to why he has failed to file an answer in this action. (Doc. #24). Defendant promptly filed a Response, averring that he misunderstood a previous Order (Doc. #19) and that he incorrectly believed an answer was not necessary at this time. (Doc. #25). On the same day, Defendant corrected this error by filing an Answer and Affirmative Defenses. (Doc. #26). For good cause shown, the Court accepts Defendant's untimely-filed Answer and Affirmative Defenses (Doc. #26) as timely filed.

In its Response, Defendant once again brought up that Plaintiff's counsel has been unresponsive, making it impossible to meet, confer, and prepare a joint case management report, as required by Local Rule 3.05. (Doc. #25). That said, Plaintiff is

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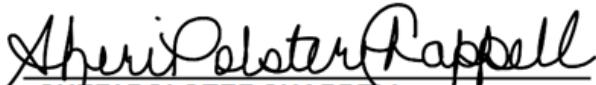
ordered to meet and confer with Defendant on or before Friday, October 9, 2015, in person or telephonically, to prepare and file a joint case management report. Should Plaintiff fail to do so, Plaintiff is warned that this action may be dismissed for failure to prosecute without further notice.

Accordingly, it is now

ORDERED:

1. For good cause shown, the Court accepts Defendant Donald R. Ward, Jr.'s untimely-filed Answer and Affirmative Defenses ([Doc. #26](#)) as timely filed.
2. Plaintiff First Mutual Group, LP must meet and confer with Defendant Donald R. Ward, Jr. on or before **Friday, October 9, 2015**, in person or telephonically, to prepare and file a joint case management report.
3. Should Plaintiff First Mutual Group, LP fail to meet and confer to prepare a mutually agreed upon Case Management Report, this action may be dismissed for failure to prosecute without further notice.

DONE and **ORDERED** in Fort Myers, Florida, this 2nd day of October, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record