

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FRANK ANTHONY ZACCONE,

Plaintiff,

v.

Case No: 2:15-cv-287-FtM-38CM

FORD MOTOR COMPANY,

Defendant.

ORDER

This matter comes before the Court upon review of Plaintiff's Motion to Take Judicial Notice to Plaintiff's Classification Officer's Response to Inquiry regarding Phone Call with Defendant (Doc. 103) filed on February 8, 2017. Defendant opposes the requested relief. Doc. 105.

On January 23, 2017, Defendant filed a Motion to Appear at Mediation via Telephone or in the Alternative, to Extend the January 30, 2017 Deadline to Complete Mediation. Doc. 97. One day later, on January 24, 2017, Defendant filed an amended motion to appear telephonically at mediation. Doc. 98. Defendant's motions sought to appear telephonically at the mediation scheduled on January 30, 2017, or in the alternative, sought the Court to extend the parties' mediation deadline because Defendant's counsel was denied entry to the institution wherein Plaintiff is incarcerated. Docs. 97, 98. The Court granted in part and denied in part Defendant's motion to appear telephonically at the parties' medication (Doc. 97) by not allowing Defendant to appear telephonically at the parties' mediation, but

extending the mediation deadline to April 3, 2017. Doc. 99 at 5. The Court denied as moot Defendant's amended motion (Doc. 98). Doc. 101.

Plaintiff argues that Defendant did not speak with the classification officer, Michael Taylor, who allegedly conducted the background check of Defendant's in-house counsel and denied entry. Doc. 103 at 2. Plaintiff asserts that Defendant instead is attempting to avoid the mediation before the resolution of its summary judgment motions. *Id.* In support of his allegation, Plaintiff seeks the Court to take judicial notice of his written conversation with Officer Taylor. Doc. 103-1.

On February 21, 2017, Defendant filed a Mediation Report that the parties mediated on February 20, 2017 and reached an impasse. Doc. 106-1. Furthermore, the Court already resolved Defendant's motions to appear telephonically (Docs. 97, 98). Docs. 99, 101.

ACCORDINGLY, it is hereby

ORDERED:

Plaintiff's Motion to Take Judicial Notice to Plaintiff's Classification Officer's Response to Inquiry Regarding Phone Call with Defendant (Doc. 103) is **DENIED as moot.**

DONE and **ORDERED** in Fort Myers, Florida on this 24th day of February, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Frank Zaccone *pro se*