

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

EDWARD J. JABLONSKI,

Plaintiff,

v.

Case No: 2:15-cv-365-FtM-38CM

THE TRAVELERS COMPANIES,
INC.,

Defendant.

_____ /

ORDER¹

This matter comes before the Court on the Defendant, The Travelers Companies, Inc.'s Motion to Dismiss or Alternatively, Motion for a More Definite Statement ([Doc. #3](#)) filed on June 19, 2015. Plaintiff's original Complaint was filed on June 19, 2015. After requesting several extensions of time to file a response to the instant Motion to Dismiss, the Plaintiff, Edward J. Jablonski filed an Amended Complaint ([Doc. #35](#)) on October 30, 2015. While Travelers objects to the Amended Complaint as untimely filed and improper ([Doc. #37](#)), the Court will allow the Amended Complaint due to Plaintiff's *pro se* status. However, Plaintiff is cautioned that despite his *pro se* status, it is mandatory that he participate and cooperate in discovery, comply with the deadlines established in the Court's Scheduling Order, respond properly to motions, and proceed in accordance with the Federal and Local Rules. [Loren v Sasser, 309 F.3d 1296, 1304 \(11th Cir. 2002\)](#)

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(holding that even *pro se* parties must follow procedures). Failure to do so in the future could result in sanctions or the denial of any motions or requests for relief from the Court.

On November 24, 2015, Plaintiff moved the Court for an extension of time to respond ([Doc. #38](#)) to the Motion to Strike or Alternatively to Dismiss the Amended Complaint. The Magistrate Judge denied his request for an extension of time as improperly filed but permitted Plaintiff to refile the Motion in accord with the local rules of this Court. Plaintiff has failed to refile a motion for extension of time. In an effort to move forward with this case, the Court will direct Plaintiff, if he so chooses, to file a response to the Motion to Strike or Alternatively Dismiss the Amended Complaint. Since the Amended Complaint has been accepted as the operative pleading, the original Motion to Dismiss ([Doc. #3](#)) is due to be denied as moot.

Accordingly, it is now **ORDERED**:

1. The Defendant, The Travelers Companies, Inc.'s Motion to Dismiss or Alternatively, Motion for a More Definite Statement ([Doc. #3](#)) is **DENIED as moot**.
2. Plaintiff has up to and including **December 18, 2015**, to file his response to Defendant's Motion to Dismiss the Amended Complaint ([Doc. #37](#)). Failure to file a response to the Motion to Dismiss by the Court's deadline will result in the Court ruling on the Motion without benefit of a response.

DONE and **ORDERED** in Fort Myers, Florida this 3rd day of December, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record