

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MONTGOMERY BANK, N.A.,

Plaintiff,

v.

Case No: 2:16-cv-173-FtM-38CM

THOMAS P. HOOLIHAN, JR. ,  
KERREY R. HOOLIHAN,  
RIVERBEND GOLF & COUNTRY  
CLUB, INC., VISION ONE  
MANAGEMENT GROUP, INC.,  
PIKE CREEK TURF FARMS,  
INC., LEE COUNTY, STATE OF  
FLORIDA, SOUTHERN GULF  
EQUIPMENT RENTAL & SALES,  
INC. and RIVERBEND  
HOMEOWNERS ASSOCIATION  
OF LEE COUNTY, INC.,

Defendants.

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**ORDER**

This matter comes before the Court upon review of Defendant Lee County's Motion to be Excused from All Pretrial Matters and Appearing at Trial (Doc. 55) filed on July 11, 2016 and Defendant Lee County's Unopposed Motion to be Excused from All Pretrial Matters and Appearing at Trial (Doc. 68) filed on September 28, 2016. Plaintiff does not oppose the requested relief. Doc. 68 at 2.

On March 3, 2016, Plaintiff initiated this lawsuit to foreclose a mortgage lien on real property located in Lee County. Doc. 1 ¶ 1. Defendants Thomas P. Hoolihan, Jr. and Kerry R. Hoolihan executed and delivered a promissory note which was secured by a mortgage on Defendants' property in Lee County. *Id.* at ¶¶ 20, 23.

Plaintiff named Defendant Lee County as a party in this action because Defendant has a lien on the property at issue. *Id.* at ¶ 38. Defendant Lee County now seeks to be excused from all pretrial matters and appearing at trial because it is not an active participant in this matter. Doc. 68 at 1. Defendant states that its relief is limited to disbursement of surplus funds and that it has no meaningful role in any of the proceedings. *Id.* at 2.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendant Lee County's Motion to be Excused from All Pretrial Matters and Appearing at Trial (Doc. 55) is **DENIED as moot**.

2. Defendant Lee County's Unopposed Motion to be Excused from All Pretrial Matters and Appearing at Trial (Doc. 68) is **GRANTED**. Defendant Lee County is excused from appearing at all pretrial matters and trial.<sup>1</sup>

**DONE** and **ORDERED** in Fort Myers, Florida on this 3rd day of October, 2016.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record

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<sup>1</sup> Defendant Lee County need not be present for the Preliminary Pretrial Conference on October 4, 2016.