

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KALOYAN ANGUELOV, for himself
and on behalf of those similarly
situated

Plaintiff,

v.

Case No: 2:16-cv-273-FtM-99CM

EVENT PARKING, INC. and
KENNETH BENSON,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Motion for Extension of Time for the Parties to Meet and Conduct Parties Settlement Conference (Doc. 33) filed on September 30, 2016. Plaintiff does not clarify whether counsel for Plaintiff has conferred with Defendant regarding this motion.¹ Doc. 33.

On April 12, 2016, Plaintiff initiated this lawsuit by filing a Complaint (Doc. 1) against Defendants. On May 25, 2016, the Court issued a FLSA Scheduling Order, directing the parties to meet and confer in person no later than September 21, 2016. Doc. 15 at 3. On July 29, 2016, Defendants' counsel moved to withdraw as counsel of record, which the Court granted. Docs. 26, 27. The Court directed Defendant Event Parking, Inc., to retain counsel and have counsel file a Notice of Appearance with the Court on or before August 15, 2016. Doc. 27. On September

¹ Defendants Event Parking, Inc. and Kenneth Benson do not have counsel at present. Docs. 26, 27.

6, 2016, Plaintiff filed a Notice of Non-compliance, notifying the Court that Defendant Event Parking, Inc. did not comply with the Court's Order (Doc. 27). Doc. 32. As of this date, Defendant Event Parking, Inc. still has not complied with the Court's Order (Doc. 27).²

On September 30, 2016, Plaintiff filed this present motion because Defendants do not have attorney representation and it is not clear whether Defendant Kenneth Benson would like to proceed *pro se*. Doc. 33 at 2. For good cause and excusable neglect shown under Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure, Plaintiff's motion for extension of time is granted. Defendant Kenneth Benson shall have up to and including October 17, 2016 (1) to file a status report with the Court if he wishes to proceed *pro se*, or (2) alternatively, to have counsel file a Notice of Appearance if he has retained counsel.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Motion for Extension of Time for the Parties to Meet and Conduct Parties Settlement Conference (Doc. 33) is **GRANTED**. The parties shall have up to and including **November 15, 2016** to meet and confer in person.

2. Defendant Kenneth Benson shall have up to and including **October 17, 2016** (1) to file a status report with the Court if he wishes to proceed *pro se*, or (2) alternatively, to have counsel file a Notice of Appearance if he has retained counsel.

² Plaintiff states that he plans to seek entry of default judgment. Doc. 32 at 2. Plaintiff should refrain from moving for entry of default judgment pending the Court's recommendation of representation to Defendant Kenneth Benson.

Failure to comply with this Order could result in the Court recommending that defaults be entered against Defendant.

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


CAROL MIRANDO
United States Magistrate Judge

Copies:

Event Parking, Inc,
Kenneth Benson,
Counsel of record