

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

COLLEEN MOORE, an individual

Plaintiff,

v.

Case No: 2:17-cv-546-FtM-38MRM

SAN CARLOS PARK FIRE
PROTECTION & RESCUE,

Defendant.

ORDER¹

Before the Court is Plaintiff Colleen Moore's Motion to Stay dated September 11, 2018. ([Doc. 59](#)).² Defendant San Carlos Park Fire Protection & Rescue has not responded, and the time to do so has expired. Moore's motion is thus ripe for review.

Nearly two months ago, the Court granted San Carlos' motion to dismiss and dismissed the Third Amended Complaint with prejudice. ([Doc. 54](#)). Moore has since moved this Court to reconsider that decision. ([Doc. 60](#)). And she contemporaneously moved the Court to stay the time to appeal until it decides her motion for reconsideration.

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² Moore's Local Rule 3.01(g) Conference certification is inadequate. She filed her motion before San Carlos' counsel had an opportunity to fully consider the motion. ([Doc. 59 at 2](#)). Local Rule 3.01(g) *requires* a good faith effort to resolve the issues raised by the motion. The Court does not see any such effort here. It cannot overstate the importance of Local Rule 3.01(g) in helping avoid needless litigation. The Court thus expects all parties to follow Local Rule 3.01(g) going forward, as it will strike filings that do not comply with the rule's requirements.

(Doc. 59). Moore's motion is superfluous because [Federal Rule Appellate Procedure 4\(a\)\(4\)\(A\)](#) tolls the time to file an appeal until after a district court decides a timely motion brought under Federal Rules of Civil Procedure 59 or 60. See e.g., [Green v. Drug Enf't Admin.](#), 606 F.3d 1296, 1300 (11th Cir. 2010) ("A timely filed Rule 59(e) motion to alter or amend a judgment (among other motions) tolls the time limit in which to appeal."). Because Moore filed a timely motion for reconsideration, the procedural rules toll her time to file a notice of appeal without the Court having to do so. That said, the Court will deny the Motion as moot.

Accordingly, it is now

ORDERED:

Plaintiff Colleen Moore's Motion to Stay ([Doc. 59](#)) is **DENIED as moot**.

DONE and **ORDERED** in Fort Myers, Florida this 3rd day of October 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record