

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DISH NETWORK L.L.C. and
NAGRASTAR LLC,

Plaintiffs,

v.

Case No: 2:17-cv-573-FtM-99CM

ROGER POLLOCK,

Defendant.

ORDER

This matter comes before the Court upon review of Plaintiffs' Motion to Accept Plaintiffs' Case Management Report (Doc. 13) filed on December 22, 2017. Plaintiffs state they were unable to have a case management conference with Defendant, who is proceeding *pro se*, because Defendant did not respond to Plaintiffs' requests to arrange a case management conference. Doc. 13. Plaintiffs seek the Court to accept their Case Management Report (Doc. 13-2 at 19-27) they prepared without the input of Defendant. *Id.*

The Related Case Order and Track Two Notice states "counsel and any unrepresented party shall meet within **THIRTY (30) DAYS** after service of the complaint upon any defendant, or the first appearance of any defendant, to prepare a Case Management Report." Doc. 7 at 1. Here, Plaintiffs' counsel states he sent an email and letter to Defendant, requesting Defendant to contact his office to schedule a case management conference. Doc. 13-1 at 1. Plaintiffs do not make clear,

however, whether Defendant received their correspondence and understood his obligation to participate in a case management conference. Doc. 13.

Given the timing of the year and Defendant's *pro se* status, the Court will direct Plaintiffs' counsel to contact Defendant via telephone and email to ensure that Defendant has an opportunity to participate in a case management conference. If Defendant does not respond to Plaintiffs or refuses to participate in a case management conference, Plaintiffs then must notify the Court. The Court further notes the Case Management Report prepared by Plaintiffs contain certain proposed deadlines that had passed. Doc. 13-2 at 19. Instead, a new Case Management Report must propose amended deadlines that have not yet passed.

The Court also advises Defendant that pursuant to the Court's Order (Doc. 7), he must respond to Plaintiffs' requests to arrange a case management conference and participate in a case management conference to prepare a Case Management Report. **Defendant's failure to comply with this Order and participate in a case management conference could result in the Court recommending that a default be entered against Defendant.**

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiffs' Motion to Accept Plaintiffs' Case Management Report (Doc. 13) is **DENIED** without prejudice.

2. Plaintiffs shall have up to and including **January 16, 2018** to contact Defendant via telephone and email to arrange a case management conference.

Defendant's failure to respond to Plaintiffs and participate in a case management conference could result in the Court recommending that a default be entered against Defendant.

3. The parties shall have up to and including **January 30, 2018 to file a Case Management Report as a separate docket entry.** If Defendant does not respond to Plaintiffs or refuses to participate in a case management conference, Plaintiffs promptly must notify the Court. A Case Management Report must propose amended deadlines that have not yet passed.

DONE and **ORDERED** in Fort Myers, Florida on this 2nd day of January, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Unrepresented parties