

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

GARY SIMMONS,

Plaintiff,

-vs-

Case No. 6:09-cv-544-Orl-31GJK

**M/V LADY KATHRYN II, etc., in rem,
VAN WORMER MANAGEMENT
COMPANY, INC.,
KATHRYN J. VAN WORMER,
NORMAN N. VAN WORMER,
AQUA YACHT HARBOR MARINA,
Defendants.**

ORDER


This matter comes before the Court on the Motion for Order to Show Cause Why Defendants and Their Counsel Should Not be Held in Contempt of Court (Doc. 56) filed by the Plaintiff, Gary Simmons (“Simmons”), the response (Doc. 57) filed by the Defendants, and the supplemental briefs (Doc. 65, 66) prepared by both parties. Although the Court condemns the lack of candor and professional courtesy that have marked these proceedings so far, it is not clear at this point that sanctions are warranted.¹ But it is time for the games to end. If they do not, the Court

¹To be clear, the Court is not making a final determination on this issue, which may be revisited if events warrant.

will not hesitate to impose whatever form of sanctions may be required to move this case forward so that it may be resolved on the merits. Accordingly, it is hereby

ORDERED that the Motion for Order to Show Cause Why Defendants and Their Counsel Should Not be Held in Contempt of Court (Doc. 56) is **DENIED WITHOUT PREJUDICE**.

DONE and **ORDERED** in Chambers, Orlando, Florida on May 20, 2009.


GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party