

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MELISSA ROBINSON,

Plaintiff,

v.

Case No. 6:14-cv-1358-Orl-40TBS

MARQUES ENTERPRISES, INC., a/k/a
CARPORT SALES & LEASING, INC.,

Defendant.

ORDER

This case comes before the Court on Plaintiff's Motion for Extension of Time to File Response to Defendant's Motion to Dismiss (Doc. 14), and the parties' Joint Stipulation Regarding Defendant's Motion to Dismiss and Plaintiff's Response Thereto (Doc. 15).

Plaintiff has sued Defendant for violating the Truth in Lending Act, 15 U.S.C. § 1601 et seq., and Regulation Z, 12 C.F.R. Part 226. (Doc. 1). Defendant has filed a motion to dismiss in which it argues that it made all required disclosures and correctly calculated the amount financed. (Doc. 12).

Because he was on a prepaid, non-refundable family vacation through November 24, 2014, Plaintiff's lawyer requested an extension of time to December 8 to file a response to Defendant's motion to dismiss. (Id.). Counsel for Defendant did not consent to the relief sought. (Id.). Defendant's unwillingness to consent to Plaintiff's motion for a brief extension of time caused (and still causes) the Court concern. The Court has been awaiting Defendant's written response to the motion for

extension of time so that it can understand the denial of what would appear to be a simple professional courtesy.

Yesterday, the parties filed their joint stipulation in which they agree that Defendant may have through December 5, 2014 within to file an amended motion to dismiss and then Plaintiff will have 14 days to respond. Upon due consideration, the parties' joint stipulation is construed as a motion and GRANTED. Accordingly:

(1) Defendant Marques Enterprises, Inc. a/k/a Carport Sales & Leasing's Dispositive Motion to Dismiss Plaintiff's Amended Complaint (Doc. 12) is DENIED WITHOUT PREJUDICE;

(2) Plaintiff's Motion for Extension of Time to File Response to Defendant's Motion to Dismiss (Doc. 14), is DENIED AS MOOT;

(3) Defendant has through December 5, 2014 to file its amended motion to dismiss Plaintiff's amended complaint; and

(4) Plaintiff shall have 14 days from the filing of the amended motion to dismiss within to file its response to the motion.

DONE AND ORDERED in Orlando, Florida, on November 25, 2014.



THOMAS B. SMITH
United States Magistrate Judge

Copies to all Counsel