

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

BRUCE LARKIN,
Plaintiff,

v.

Case No: 6:15-cv-0439-Orl-31GJK

ENVOY ORLANDO HOLDINGS, LLC,
Defendant.

ORDER

This matter comes before the Court on the Motion to Stay Proceedings Pending Investigation and Remediation (Doc. 9) filed by the Defendant, Envoy Orlando Holdings, LLC (“Envoy”), the response (Doc. 10) filed by the Plaintiff, Bruce Larkin, and the supplemental brief (Doc. 11) filed by Envoy.

Larkin visited Envoy’s Hiawassee Shopping Plaza on January 13, 2015. Based on this visit, Larkin filed a complaint against Envoy alleging violations of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12181, *et. seq.* (“ADA”). He intends to return to Envoy’s property “in the next few months.” Envoy acknowledged that at least some property conditions were subject to remediation and moved to stay the proceedings for ninety days pending remediation of the violations.¹

District courts have broad discretion to stay proceedings; the power to stay is an inherent one that stems from a court’s power to control its own docket. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). Envoy argues that a stay of the proceedings would reduce litigation expenses and moot

¹ As noted in Defendant’s supplemental brief, the violations have been investigated. (Doc. 11 at 2-3).

Larkin's claim. Further, Envoy raises concerns of vexatious litigation; Larkin filed eight ADA claims in this Court within a ten day period. Envoy points out that Larkin did not notify it of the violations before filing suit, but as Envoy acknowledges, the ADA does not require pre-suit notice. 42 U.S.C. § 12188. If Larkin's actions generate unnecessary litigation expense, that issue can be addressed if or when this Court considers Larkin's request for attorney's fees and costs.

In consideration of the foregoing, it is hereby

ORDERED that the Motion for to Stay Proceedings Pending Investigation and Remediation (Doc. 9) filed by Defendant Envoy is **DENIED**.

DONE and **ORDERED** in Chambers, Orlando, Florida on May 21, 2015.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party