

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

TERENCE K. WOLFE,

Plaintiff,

vs.

CASE NO. 8:13-CIV-2308-T-EAK-TGW

EMCARE, INC.,

Defendant.

ORDER ON MOTIONS

This cause is before the Court on the following: Plaintiff's motion to vacate order (Doc. 93) and response (Doc. 105); Plaintiff's motion for clarification (Doc. 94) and response (Doc. 106); Plaintiff's motion to continue (Doc. 101) and response (113); and Plaintiff's motion to vacate orders (Doc. 102) and response (Doc. 112). In the first motion, the Plaintiff asks to this Court to vacate the order of the magistrate judge entered August 19, 2014 (Doc. 61). The Court finds that the motion is not well-taken. The Plaintiff's motion on the whole is simply a complaint that he perceives the magistrate judge treats his motions differently from those of the Defendant. The Court finds no evidence of that in the record and does not find that the order at Document 61 should be vacated. This motion is denied.

The next motion is a motion to clarify an order entered on July 14, 2014. The Plaintiff is unhappy that the Court denied his motion to drop some of his counts and then have the case remanded. The Court agrees with the Defendant's response on this issue:

Plaintiff is not objecting to the Court allowing him to drop his federal claims. Plaintiff is simply unhappy with the Court's warning that if plaintiff does so, the Court will exercise her discretion and retain jurisdiction of plaintiff's state claims. In other words, plaintiff is upset the Court will not allow him to start over and try again in state court.

This motion will be denied because the discretion of this Court allows it to retain jurisdiction of a case like this that had been pending in this court for almost a year when the Plaintiff sought to remand to state court.

The Plaintiff also asks the Court to vacate the orders of the magistrate judge docketed at Documents 80 and 81. As in the motions previously addressed here, the Plaintiff demonstrates that he is simply not happy with the rulings of the magistrate judge and objects to what appears to be a simple misstatement in the order, as it appears that the magistrate judge did indeed consider the Plaintiff's response and proposed confidentiality order. The Court finds no basis for vacating the orders the Plaintiff cites in this motion. This third motion is denied.

The final motion to be addressed in this order is the Plaintiff's motion to continue this case for ninety days. The Plaintiff asserts that he has personal issues that preclude him from giving his case the attention it deserves. The Plaintiff wants all activity to cease in this case for that length of time, which from the date the motion

was filed would be January 27, 2015.

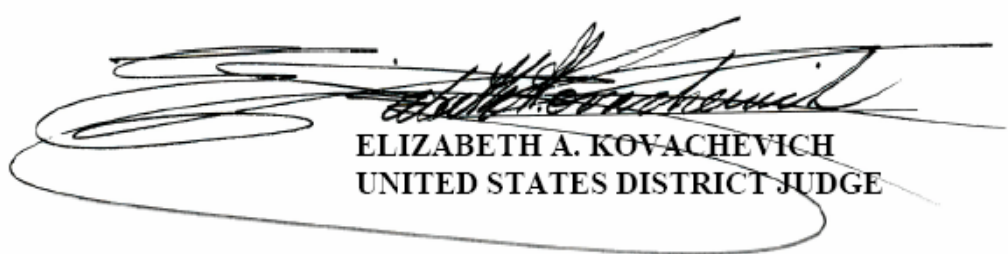
The Court notes that, besides the motion for summary judgment pending before the undersigned, there are three motions currently pending before the magistrate judge, two filed by the Defendant and one by the Plaintiff and the Plaintiff has not responded to the two filed by the Defendant. The Defendant objects to any continuance in this case. The Court finds that the Plaintiff should be given some leeway in his prosecution of this case but not for any extensive time period. The Court will stay this case for the ninety day period, or until January 27, 2015, but no longer. The Plaintiff has up to and including that date to respond to the pending motions to which he has not responded but he and the Defendant are precluded from filing any new motions, unless approved by the magistrate judge as an emergency filing, until that date. The undersigned and the magistrate judge may take any ripe motions under consideration at the expiration of this stay. Accordingly, it is

ORDERED that motion to vacate order (Doc. 93); Plaintiff's motion for

clarification (Doc. 94); and Plaintiff's motion to vacate orders (Doc. 102) are **denied**.

The motion to continue (Doc. 101) is **granted and this case is stayed as recited above up to and including January 27, 2015 only**.

DONE and ORDERED in Chambers, in Tampa, Florida, this 9th day of December, 2014.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to: All parties and counsel of record