

**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 MOTION TO VACATE ORDER ON MOTION FOR
SUMMARY JUDGMENT**

This cause is before the Court on the Plaintiff's motion to vacate order on motion for summary judgment (Doc. 120) and response (Doc. 123).

The Plaintiff filed this case *pro se* against Emcare, Inc. (Emcare) asserting claims for violation of the Florida Consumer Collections Practices Act (FCCPA), Fla. Stat. Chap 559, *et seq.*, and on amended complaint, for violation of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.* The case was extremely contentious but did get to the point that a motion for summary judgment and response had been filed with the Court.

As the court observed in the order on motion for summary judgment (Doc. 118) the Plaintiff requested an extension of time before the case should proceed to resolution of the motion. Over the objection of the Defendant, the Court granted the request and stayed the case for a ninety day period, or until January 27, 2015. The

Plaintiff had up to and including that date to respond to any pending motions to which he had not previously responded. The Court made it clear that any ripe motions could be taken under consideration at the expiration of this stay. The deadline passed and Plaintiff failed to file anything further in the case. After full consideration, the Court ruled that the Plaintiff had named the wrong defendant in this action and judgment was entered for the Defendant.

Plaintiff is now asking the Court to vacate the order because he was unaware of the granting of his request for a stay and that the Court made a mistake since it should have denied the motion based on his arguments previously made in the case. However, the Court finds that the Plaintiff has failed to establish that the Court should vacate its previous order. As the Defendant points out:

Emcare's Motion for Summary Judgment was fully briefed by the parties and ripe for decision before the stay was entered. Plaintiff had already submitted a memorandum in opposition (Doc. 97), and discovery was closed. The Court only entered the stay because *other* motions were pending, and plaintiff was essentially requesting a "break" in the case because he was moving to a new home.

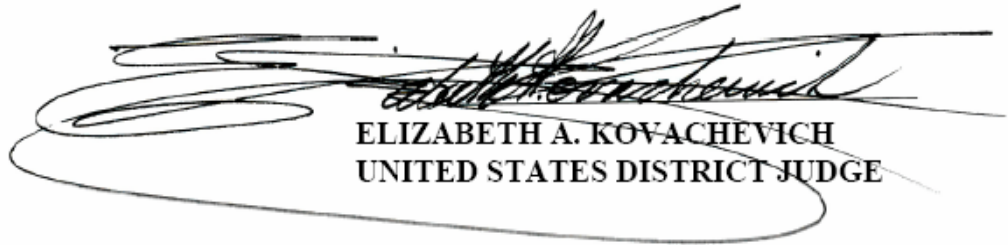
Importantly, the Court's Order granting summary judgment in Emcare's favor was based on the merits of the case, not plaintiff's failure to act after the stay was lifted. The Court found plaintiff's "response provides no opposition, of a competent nature, to the motion for summary judgment." ...

Like plaintiff's several other motions to vacate, plaintiff's argument boils down to his unhappiness with the Court's ruling. Plaintiff's disagreement with the Court's ruling is not a valid basis to alter, amend or vacate or judgment.

Accordingly, it is

ORDERED that the motion to vacate order on motion for summary judgment
(Doc. 120) is **denied**

DONE and ORDERED in Chambers, in Tampa, Florida, this 5th day of May,
2015.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to: All parties and counsel of record