

**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 summary judgment (Doc. 127) and response (Doc. 129). This is the second such motion that has been filed by the Plaintiff following the granting of the Defendant's motion for summary judgment. The Court denied the first motion.

As said before, 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. However, the Court finds that the Plaintiff has failed to establish that the Court should vacate its previous order.

As the Defendant points out:

Plaintiff's 61-page motion and attached exhibits make the same arguments he made before. Plaintiff also offers "further material" he "gleaned" from the "internet" about Emcare that has absolutely nothing to do with plaintiff or his claim. Again, plaintiff's argument "provides no opposition of a competent nature, to the motion for summary judgment" and "boils down to his unhappiness with the Court's ruling."

The Court, as it previously stated, finds no valid basis for granting the instant motion.

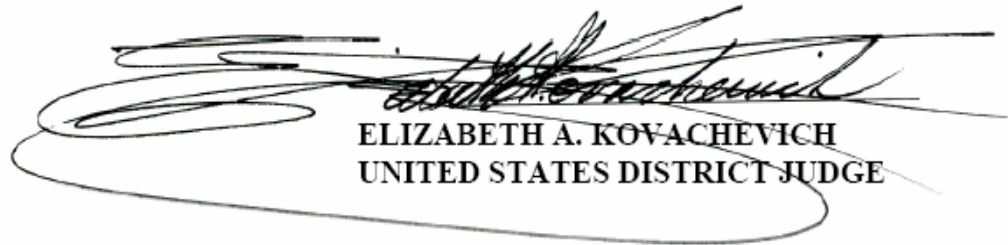
The Court notes that any "further materials" are at best unsubstantiated statements of Plaintiff's conclusions and they were available at the time of the previous rulings so they may not be presented now as not discoverable before in the progress of this case.

The motion is untimely as well as unpersuasive. Accordingly, it is

ORDERED that the motion to vacate order on motion for summary judgment

(Doc. 127) is **denied**

DONE and ORDERED in Chambers, in Tampa, Florida, this 26th day of June,
2015.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to: All parties and counsel of record