

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-61780-CIV-ZLOCH

CAPTAIN GEORGE CUSTER,

Plaintiff,

OMNIBUS ORDER

vs.

M/V "SEA BIRD", her engines,
tackle, apparel, and other
appurtenances, in rem, and
SALSABOAT LTD., in personam,

Defendants.

_____/

THIS MATTER is before the Court upon Defendant M/V "SEA BIRD'S" Emergency Motion For Expansion Of Time (DE 9), and Plaintiff's Motion For Summary Judgment (DE 12). The Court has carefully reviewed said Motions and the entire court file and is otherwise fully advised in the premises.

The above-styled cause was previously before the Court as 08-60449-CIV-ZLOCH. That case proceeded through discovery, and the deadline for filing dispositive motions passed. After the deadline passed, Plaintiff filed a Motion For Summary Judgment (DE 34), which was denied as untimely. See DE 36, Case No. 08-60449-CIV-ZLOCH. Prior to the date of Pretrial Conference, the Parties failed to submit Pretrial Stipulations as required by the Court's Order. See DE 20, 08-60449-CIV-ZLOCH. Therefore, the Court dismissed the case without prejudice. See DE 41, 08-60449-CIV-ZLOCH.

Thereafter, the case was refiled, and is now before the Court. The Court will not reopen discovery or entertain dispositive motions, as discovery has been completed, and the time-frame for dispositive motions has passed. Therefore, Plaintiff's Motion For Summary Judgment (DE 12), which is substantially similar to the one previously filed, shall be denied as untimely, and the case will proceed to trial. Further, the Court shall direct the Clerk of this Court to transfer the security bond held in Case No. 08-60449 to this case.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. Defendant M/V "SEA BIRD'S" Emergency Motion For Expansion Of Time (DE 9) be and the same is hereby **GRANTED**;
2. Pretrial Conference shall be reset by separate Order;
3. Plaintiff's Motion For Summary Judgment (DE 12) be and the same is hereby **DENIED**;
4. The Clerk of Court is hereby **DIRECTED** to transfer the security bond held in Case No. 08-60449 to the above-styled cause.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 9th day of December, 2008.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:
All Counsel of Record
Clerk of Court