

**CIVIL ACTION
NO. 12-cv-40069-TSH**

ORDER
November 13, 2013

The following motions are pending and have been referred to me:

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| Document #33 | Plaintiff's Motion for Enlargement of Time to Conduct Discovery |
| Document #38 | Plaintiff's Reply to Maria Rivera-Ortiz Motion to Withdraw; Traverse by Plaintiff Pro Se to Defendant's Opposition to Motion to Withdraw; and Motion for Plaintiff to Substitute in Pro Se |
| Document #39 | Motion for Fed. R. Civ. P. Rule 37 Sanctions of the Defendants, Principal Financial Group, Richard Van Liew, Michael Benbenek and Dick Mullen |
| Document #41 | Plaintiff's Motion to Strike Defendant's Motions and Motion for Sanctions Due to Malicious and Vexatious Prosecution; and Renewed Motion to Appoint Plaintiff as her own Counsel. |
| Document #45 | Plaintiff's Judicial Notice and Notice to the Court in re: Deposition and Renewed Motion for Sanctions Against Attorney Tracy Waugh for Malicious and Vindictive Prosecution; and Motion to Strike from the Record All Motions Filed Principal's Attorney as Being Highly Prejudicial; Exhibit 1 |

Document #49¹ Plaintiff's Ex Parte Motion to Postpone Hearing Set for November 15, 2013; Motion for 60-Days Extension of Time to Hire Competent Counsel and Opposition Motion to Hold Proceedings Outside of the District Court of the Worcester County Central Division

I hereby order as follows:

With respect to **Document #33**, Defendants have filed an opposition at Document #36 ("Opposition of Defendants to Plaintiff's Motion for Enlargement of Time to Conduct Discovery"). The parties shall appear before me and argue the merits of Document #33 on December 5, 2013, at 10:00 am in Courtroom 1, 595 Main Street, Worcester, Massachusetts.

With respect to **Document #38**, to the extent Plaintiff seeks to confirm and establish her status as a pro se litigant, I allow the motion. Otherwise, Document #38 is denied as moot because attorney Rivera-Ortiz has already withdrawn and Plaintiff is pro se in this litigation.

With respect to **Document #39**, the parties shall appear before me and argue the merits of the Defendants' motion for sanctions on December 5, 2013, at 10:00 am in Courtroom 1, 595 Main Street, Worcester, Massachusetts.

With respect to **Document #41**, I deny the motion. Specifically, I deny the motion to strike Defendants' documents numbered 39 (the motion for sanctions) and 40 (the supporting memorandum of law). I also deny Plaintiff's motion in Document #41 insofar as it seeks to strike Defendants' documents numbered 36 (Defendants' opposition to the motion for an extension of time) and 37 (Defendants' limited opposition to plaintiff counsel's motion to withdraw). I deny as moot Document #41 to the extent that Plaintiff has moved to substitute

¹ This motion was filed ex parte, however, the Plaintiff included a certificate of service on the motion indicating that she both mailed and emailed the motion to opposing counsel. Insofar as the Defendants were served with the motion, the title of the document has been placed on the docket, but in respect of the Plaintiff's desire to restrict access to the document, access to the electronically-filed document itself remains restricted to the Plaintiff and the Court.

herself as a pro se litigant, because she already appears pro se in this litigation. Plaintiff's allegations of malicious and vexatious prosecution directed at counsel for Defendants are baseless. For that reason, I deny Document #41 to the extent Plaintiff seeks sanctions regarding attorney Waugh because the motion is baseless.

With respect to **Document #45**, I am under the impression that the Plaintiff's deposition has not yet happened despite my previous Order that it happen by October 16, 2013. On December 5, 2013, at 10:00 am in Courtroom 1, 595 Main Street, Worcester, Massachusetts, the parties shall appear before me, ready to discuss possible dates and location(s) for the Plaintiff's deposition. Further, with respect to Document #45, the Plaintiff's motion for sanctions against attorney Waugh is denied as it is baseless. Finally, I deny Plaintiff's request in Document #45 to the extent that Plaintiff seeks to strike any motions filed by attorney Waugh.

With respect to **Document #49**, the motion to postpone the hearing is granted. The hearing is postponed until **December 5, 2013, at 10:00 am in Courtroom 1, 595 Main Street, Worcester, Massachusetts**. I deny Document #49 with respect to the Plaintiff's request for a 60-day extension of time to hire competent counsel. The Plaintiff may hire counsel, however, she is currently a pro se litigant and all pending deadlines and dates remain in effect.

/s/ David H. Hennessy
David H. Hennessy
United States Magistrate Judge