

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Ft. Myers Division**

CELESTIAL, INC.)	
)	
Plaintiff,)	
)	
v.)	CA. 2:12-cv-83-UA-DNF
)	
DOES 1 – 378, et al)	
)	
Defendants.)	
)	

PLAINTIFF’S RESPONSE TO SHOW CAUSE ORDER

Comes now, Plaintiff Celestial, Inc., in response to this Court’s September 14, 2012 Order to Show Cause, and states as follows:

Local Rule 3.03(c)(2)(B) states, in part, that “Counsel and any unrepresented party shall meet within 60 days after service of the complaint upon any defendant, or the first appearance of any defendant, regardless of the pendency of any undecided motions, for the purpose of preparing and filing a Case Management Report.” No Defendant has been served in this case. Additionally, no Defendant has made an appearance in this case because no Defendant has filed a responsive pleading pursuant to Fed. R. Civ. P. 12. Special motions have been filed by a few dozen nonparties and Doe Defendants, but all such filings have been treated by the Court as motions to quash or vacate a subpoena, and not as responsive pleadings that would subject these Does to the jurisdiction of this Court. *See, e.g.*, Doc. Nos. 82 and 101.

Plaintiff is prepared to proceed with a filing a Case Management Report as soon as practical and in accordance with the Rules. It appears this Court is suggesting that that the motions filed by the

nonparties and Doe Defendants may constitute an appearance for each filer under the Federal Rules of Civil Procedure, specifically those Motions filed by Novitech, Inc., Rudolph Rose, Sharon Foster, and Ni’Kesha Seabron. Although Plaintiff is uncertain as to whether such filings actually would constitute an appearance or responsive pleading, Plaintiff has already made an attempt to contact each party in an effort to meet and discuss the Case Management Report, and Plaintiff anticipates that the Case Management Report will be filed within 14 days from that meeting.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests this Court grant Plaintiff a 30 day extension of time to contact Novitech, Inc., Rudolph Rose, Sharon Foster, and Ni’Kesha Seabron and file its Case Management Report.

Respectfully submitted,
CELESTIAL, INC.

DATED: September 28, 2012

By: /s/ Jeffrey Weaver
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