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**U.S. District Court
Southern District of Florida (Ft Lauderdale)
CIVIL DOCKET FOR CASE #: 0:21-cv-60168-RKA**

Messina et al v. City of Fort Lauderdale, Florida
Assigned to: Judge Roy K. Altman
Referred to: Magistrate Judge Patrick M. Hunt
Cause: 42:1983 Civil Rights Act

Date Filed: 01/25/2021
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Mark Messina

represented by **Dante Pasquale Trevisani**
Florida Justice Institute
PO Box 370747
Miami, FL 33137
305-358-2081
Email:
dtrevisani@floridajusticeinstitute.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

F. Jahra McLawrence
The McLawrence Law Firm
7101 W. Commercial Blvd., Ste. 4A
Tamarac, FL 33319
954-318-1376
Fax: 954-616-0566
Email: info@mclawrencelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mara Shlackman
Law Offices of Mara Shlackman,
P.L.
757 SE 17th Street
PMB 309
Fort Lauderdale, FL 33316
954-523-1131
Fax: 954-206-0593
Email: mara@shlackmanlaw.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Raymond J. Taseff
Florida Justice Institute
3750 Miami Tower; 100 SE Second
Street
Miami, FL 33131
305-358-2081
Email:
RTaseff@floridajusticeinstitute.org
ATTORNEY TO BE NOTICED

Plaintiff

Bernard McDonald

represented by **Dante Pasquale Trevisani**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

F. Jahra McLawrence
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Mara Shlackman
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Raymond J. Taseff
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

City of Fort Lauderdale, Florida
a Florida municipal corporation

represented by **Michael Thomas Burke**
Johnson Anselmo Murdoch Burke
Piper & Hochman PA
2455 E Sunrise Boulevard
Suite 1000
Fort Lauderdale, FL 33304
954-463-0100
Fax: 463-2444
Email: burke@jambg.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Hudson Carter Gill

Johnson, Anselmo, Murdoch, Burke,
Piper & Hochman, PA
2455 E. Sunrise Boulevard
Suite 1000
Fort Lauderdale, FL 33304
954-463-0100
Fax: 954-463-2444
Email: hgill@jambg.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/25/2021	<u>1</u>	Complaint pursuant to 42 USC 1983 against CITY OF FORT LAUDERDALE, A Florida Municipality,. Filing fee \$ 402.00 receipt number AFLSDC-14274425, filed by Mark Messina, Bernard McDonald. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summon(s) Summons)(Taseff, Raymond) (Entered: 01/25/2021)
01/25/2021	2	Clerks Notice of Judge Assignment to Judge Roy K. Altman and Magistrate Judge Patrick M. Hunt. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Patrick M. Hunt is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (pcs) (Entered: 01/25/2021)
01/25/2021	<u>3</u>	Summons Issued as to City of Fort Lauderdale, Florida. (pcs) (Entered: 01/25/2021)
01/28/2021	<u>4</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint 42 USC 1983 or Bivens, with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 by Mark Messina, Bernard

		McDonald. City of Fort Lauderdale, Florida served on 1/27/2021, answer due 2/17/2021. (Taseff, Raymond) (Entered: 01/28/2021)
01/28/2021	5	Plaintiff's MOTION for Preliminary Injunction by Mark Messina. (Attachments: # 1 Exhibit Ordinance No. C-12-10, # 2 Exhibit City Code 16-82, # 3 Exhibit Ordinance No. C-14-38, # 4 Exhibit City Code 25-267, # 5 Exhibit Letter to Ft. Lauderdale, # 6 Exhibit Arrest Reports/Citations)(Taseff, Raymond) (Entered: 01/28/2021)
01/29/2021	6	NOTICE of Attorney Appearance by Michael Thomas Burke on behalf of City of Fort Lauderdale, Florida. Attorney Michael Thomas Burke added to party City of Fort Lauderdale, Florida(pty:dft). (Burke, Michael) (Entered: 01/29/2021)
01/29/2021	7	NOTICE of Attorney Appearance by Hudson Carter Gill on behalf of City of Fort Lauderdale, Florida. Attorney Hudson Carter Gill added to party City of Fort Lauderdale, Florida(pty:dft). (Gill, Hudson) (Entered: 01/29/2021)
02/10/2021	8	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 5 Plaintiff's MOTION for Preliminary Injunction by City of Fort Lauderdale, Florida. (Burke, Michael) (Entered: 02/10/2021)
02/11/2021	9	PAPERLESS ORDER granting 8 the Unopposed Extension of Time. The Defendant shall file a response to 5 the Plaintiffs' Motion for Preliminary Injunction by February 16, 2021. Signed by Judge Roy K. Altman on 2/11/2021. (mpt) (Entered: 02/11/2021)
02/11/2021	10	ORDER REQUIRING SCHEDULING REPORT AND CERTIFICATES OF INTERESTED PARTIES Joint Scheduling Report due by 3/1/2021 Signed by Judge Roy K. Altman on 2/11/2021. <i>See attached document for full details.</i> (pcs) (Entered: 02/11/2021)
02/16/2021	11	RESPONSE to Motion re 5 Plaintiff's MOTION for Preliminary Injunction filed by City of Fort Lauderdale, Florida. Replies due by 2/23/2021. (Burke, Michael) (Entered: 02/16/2021)
02/17/2021	12	Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint 42 USC 1983 or Bivens, (<i>Lack of Subject Matter Jurisdiction</i>) by City of Fort Lauderdale, Florida. Responses due by 3/3/2021 (Burke, Michael) (Entered: 02/17/2021)

02/19/2021	<u>13</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>12</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint 42 USC 1983 or Bivens, (<i>Lack of Subject Matter Jurisdiction</i>), <u>11</u> Response to Motion for Preliminary Injunction by Bernard McDonald, Mark Messina. (Trevisani, Dante) (Entered: 02/19/2021)
02/22/2021	14	PAPERLESS ORDER granting <u>13</u> the Plaintiffs' Unopposed Motion for Extensions of Time. The Plaintiffs shall file a reply to the Defendant's Response to the Motion for Preliminary Injunction by March 9, 2021. The Plaintiffs shall file a response to the Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction by March 9, 2021. Signed by Judge Roy K. Altman on 2/19/2021. (mpt) (Entered: 02/22/2021)
03/01/2021	<u>15</u>	Joint MOTION for Extension of Time to File Scheduling Report re <u>10</u> Order Requiring Joint Scheduling Report by Mark Messina. Responses due by 3/15/2021 (Taseff, Raymond) (Entered: 03/01/2021)
03/01/2021	<u>16</u>	Plaintiff's Certificate of Other Affiliates/Corporate Disclosure Statement by Mark Messina (Taseff, Raymond) (Entered: 03/01/2021)
03/01/2021	<u>17</u>	Defendant's Certificate of Other Affiliates/Corporate Disclosure Statement - NONE disclosed by City of Fort Lauderdale, Florida (Burke, Michael) (Entered: 03/01/2021)
03/01/2021	18	PAPERLESS ORDER granting <u>15</u> the Joint Motion for Extension of Time. The Parties shall file their Joint Scheduling Report, in accordance with <u>10</u> the Court's Order, by March 5, 2021. Signed by Judge Roy K. Altman on 3/1/2021. (mpt) (Entered: 03/01/2021)
03/05/2021	<u>19</u>	Joint SCHEDULING REPORT - Rule 16.1 by Mark Messina (Attachments: # <u>1</u> Text of Proposed Order Joint Proposed Scheduling Order)(Taseff, Raymond) (Entered: 03/05/2021)
03/09/2021	<u>20</u>	RESPONSE in Opposition re <u>12</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint 42 USC 1983 or Bivens, (<i>Lack of Subject Matter Jurisdiction</i>) filed by Bernard McDonald, Mark Messina. Replies due by 3/16/2021. (Attachments: # <u>1</u> Exhibit Notices to Appear and Arrest Documents)(Shlackman, Mara) (Entered: 03/09/2021)

03/09/2021	<u>21</u>	REPLY to Response to Motion re <u>5</u> Plaintiff's MOTION for Preliminary Injunction filed by Mark Messina. (Taseff, Raymond) (Entered: 03/09/2021)
03/15/2021	<u>22</u>	Defendant's REPLY to <u>12</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint 42 USC 1983 or Bivens, (<i>Lack of Subject Matter Jurisdiction</i>) (<i>IN SUPPORT OF MOTION TO DISMISS</i>) by City of Fort Lauderdale, Florida. (Attachments: # <u>1</u> Exhibit Ex. A)(Burke, Michael) (Entered: 03/15/2021)
03/23/2021	23	PAPERLESS ORDER Setting Hearing on Motion <u>5</u> Plaintiff's Motion for Preliminary Injunction. Motion Hearing set for 4/1/2021 at 2 p.m. in the Fort Lauderdale Division before Magistrate Judge Patrick M. Hunt. At that time, the Parties shall call (888) 273-3658, using meeting access code 6319427, to attend the hearing. The Parties should contact Chambers immediately, at (954) 769-5470, if they experience any difficulties. Signed by Magistrate Judge Patrick M. Hunt on 3/23/2021. (hhr) (Entered: 03/23/2021)
03/30/2021	24	PAPERLESS Order Cancelling Hearing on <u>5</u> Plaintiff's Motion for Preliminary Injunction set for 4/1/2021 at 2 p.m. before Judge Patrick M. Hunt. Signed by Magistrate Judge Patrick M. Hunt on 3/30/2021. (hhr) (Entered: 03/30/2021)
03/30/2021	25	PAPERLESS NOTICE of Hearing: re <u>12</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint 42 USC 1983 or Bivens, (<i>Lack of Subject Matter Jurisdiction</i>), <u>5</u> Plaintiff's MOTION for Preliminary Injunction Motion Hearing set for 4/8/2021 02:00 PM in Fort Lauderdale Division before Judge Roy K. Altman. The hearing will be held via Zoom videoconference. Meeting ID: 161 2752 2255 Password: 7777. (mpt) (Entered: 03/30/2021)
03/30/2021	<u>26</u>	ORDER re <u>12</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint 42 USC 1983 or Bivens, (<i>Lack of Subject Matter Jurisdiction</i>) filed by City of Fort Lauderdale, Florida, 25 Notice re Hearing, <u>5</u> Plaintiff's MOTION for Preliminary Injunction filed by Mark Messina (Joint Notice due 4/5/2021). Signed by Judge Roy K. Altman on 3/30/2021. <i>See attached document for full details.</i> (pcs) (Entered: 03/30/2021)
04/05/2021	<u>27</u>	NOTICE by Mark Messina <i>Joint Notice re Hearing on Plaintiffs' Motion for Preliminary Injunction and Defendant's Motion to Dismiss, Set for April 8, 2021</i> (Taseff, Raymond) (Entered: 04/05/2021)

04/07/2021	28	PAPERLESS NOTICE of Hearing: re 12 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint 42 USC 1983 or Bivens, (<i>Lack of Subject Matter Jurisdiction</i>), 5 Plaintiff's MOTION for Preliminary Injunction The Motion Hearing set for 4/8/2021 has been moved to 4/9/2021 at 02:00 PM before Judge Roy K. Altman. Zoom Meeting ID: 161 2752 2255. Password: 7777. (mpt) (Entered: 04/07/2021)
04/11/2021	29	PAPERLESS Minute Entry for proceedings held before Judge Roy K. Altman: Miscellaneous Hearing held on 4/11/2021. Total time in court: 1 hour(s) : 45 minutes. Attorney Appearance(s): Michael Thomas Burke, Raymond J. Taseff, Dante Pasquale Trevisani, Court Reporter: Francine Salopek, 954-769-5686 / Francine_Salopek@flsd.uscourts.gov. (mpt) (Entered: 04/11/2021)
04/12/2021	30	ORDER SETTING TRIAL AND PRE-TRIAL SCHEDULE, REQUIRING MEDIATION, AND REFERRING CERTAIN MATTERS TO MAGISTRATE JUDGE: (Jury Trial set for 3/14/2022 in Fort Lauderdale Division before Judge Roy K. Altman., Calendar Call set for 3/8/2022 01:45 PM in Fort Lauderdale Division before Judge Roy K. Altman., Amended Pleadings due by 5/18/2021., Discovery due by 10/5/2021., Expert Discovery due by 10/5/2021., Joinder of Parties due by 5/18/2021., Mediation Deadline 10/19/2021., In Limine Motions due by 2/28/2022., Dispositive Motions due by 11/19/2021., Motions due by 11/19/2021., Pretrial Stipulation due by 2/28/2022.), ORDER REFERRING CASE to Magistrate Judge Patrick M. Hunt for a ruling on all pre-trial, non-dispositive matters and for all pretrial non-dispositive and discovery matters. Signed by Judge Roy K. Altman on 4/12/2021. <i>See attached document for full details.</i> (pcs) Pattern Jury Instruction Builder - To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to <u>https://pji.ca11.uscourts.gov</u> or <u>click here</u>. (Entered: 04/13/2021)
04/13/2021	31	ORDER denying 12 Motion to Dismiss for Lack of Jurisdiction. Signed by Judge Roy K. Altman on 4/13/2021. <i>See attached document for full details.</i> (pcs) (Entered: 04/13/2021)
04/16/2021	32	MOTION for Preliminary Injunction <i>Supplemental Memorandum of Law in Support of Plaintiffs' Motion for a Preliminary Injunction</i> by Mark Messina. (Taseff, Raymond) (Entered: 04/16/2021)

04/21/2021	33	Unopposed MOTION for Extension of Time for an Extension of Time to File Supplemental Memorandum of Law Regarding Plaintiff's Motion for Preliminary Injunction re 32 MOTION for Preliminary Injunction <i>Supplemental Memorandum of Law in Support of Plaintiffs' Motion for a Preliminary Injunction</i> by City of Fort Lauderdale, Florida. Responses due by 5/5/2021 (Burke, Michael) (Entered: 04/21/2021)
04/22/2021	34	PAPERLESS ORDER granting 33 the Defendant's Unopposed Motion for Extension of Time to File Supplemental Memorandum of Law. The Defendant shall file its supplemental brief by April 28, 2021. Signed by Judge Roy K. Altman on 4/22/2021. (mpt) (Entered: 04/22/2021)
04/23/2021	35	<i>Defendant City's</i> ANSWER and Affirmative Defenses to Complaint by City of Fort Lauderdale, Florida. (Burke, Michael) (Entered: 04/23/2021)
04/26/2021	36	NOTICE of Change of Address, Email or Law Firm Name by Dante Pasquale Trevisani (Trevisani, Dante) (Entered: 04/26/2021)
04/27/2021	37	CLERK'S NOTICE - Attorney Admissions has not updated address and/or email information for attorney Dante Pasquale Trevisani re 36 Notice of Change of Address, Email or Law Firm Name. Attorney Dante Pasquale Trevisani has not followed the required procedures for updating their information with the Court. After filing a Notice in all pending cases, Attorney is instructed to go to their PACER account, Manage My Account, to complete the process of updating their information. The Court is NOT responsible for updating secondary email addresses. Also, each attorney must file their own Notice and follow the instructions to complete the process in Pacer. See the Courts website for detailed instructions. www.flsd.uscourts.gov/updating-your-information (pt) (Entered: 04/27/2021)
04/27/2021	38	NOTICE of Change of Address, Email or Law Firm Name by Raymond J. Taseff (Taseff, Raymond) (Entered: 04/27/2021)
04/28/2021	39	CLERK'S NOTICE - Attorney Admissions has not updated address and/or email information for attorney Raymond J. Taseff re 38 Notice of Change of Address, Email or Law Firm Name. Attorney Raymond J. Taseff has not followed the required procedures for updating their information with the Court. Attorney is instructed to go to their PACER account, Manage My Account, to complete the process of updating their information. The Court is NOT responsible for updating secondary email

		addresses. See the Courts website for detailed instructions. www.flsd.uscourts.gov/updating-your-information (pt) (Entered: 04/28/2021)
04/28/2021	40	RESPONSE to Motion re 5 Plaintiff's MOTION for Preliminary Injunction (<i>SUPPLEMENTAL RESPONSE</i>) filed by City of Fort Lauderdale, Florida. Replies due by 5/5/2021. (Burke, Michael) (Entered: 04/28/2021)
04/29/2021	41	Unopposed Motion for Extension of Time to File Response/Reply/Answer as to 40 Response to Motion by Mark Messina. Responses due by 5/13/2021 (Taseff, Raymond) Modified Relief on 4/29/2021 (ls). (Entered: 04/29/2021)
04/29/2021	42	Clerks Notice to Filer re 41 Unopposed MOTION for Extension of Time to File a Reply . Wrong Motion Relief(s) Selected; ERROR - The Filer selected the wrong motion relief(s) when docketing the motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include applicable reliefs. (ls) (Entered: 04/29/2021)
04/29/2021	43	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 40 Response to Motion by Mark Messina. (Taseff, Raymond) (Entered: 04/29/2021)
05/02/2021	44	PAPERLESS ORDER granting the Plaintiffs' Unopposed Motion for Extension of Time. The Plaintiffs shall file a reply to the Defendant's Response by May 5, 2021. Signed by Judge Roy K. Altman on 4/30/2021. (mpt) (Entered: 05/02/2021)
05/02/2021	45	PAPERLESS ORDER denying as moot 41 Motion for Extension of Time to File Response/Reply/Answer. Signed by Judge Roy K. Altman on 4/30/2021. (mpt) (Entered: 05/02/2021)
05/04/2021	46	Joint MOTION for Extension of Time to File Proposed Order Scheduling Mediation by Mark Messina. Responses due by 5/18/2021 (Taseff, Raymond) (Entered: 05/04/2021)
05/05/2021	47	REPLY to Response to Motion re 5 Plaintiff's MOTION for Preliminary Injunction <i>Reply to Response to Supplemental Memorandum</i> filed by Mark Messina, Bernard McDonald. (Taseff, Raymond) Modified to add additional filer on 5/6/2021 (pcs). (Entered: 05/05/2021)
05/05/2021	48	PAPERLESS ORDER granting 46 the Joint Motion for Extension of Time. The Parties shall select a mediator in accordance

		with 30 the Scheduling Order by May 14, 2021. Signed by Judge Roy K. Altman on 5/5/2021. (mpt) (Entered: 05/05/2021)
05/06/2021	49	Clerks Notice to Filer re 47 Reply to Response to Motion,. Missing Filer Name(s) ; ERROR - The filer failed to select all parties indicated on DE # 47 . The correction was made by the Clerk. It is not necessary to refile this document. (pcs) (Entered: 05/06/2021)
05/07/2021	50	PAPERLESS ORDER denying 32 the Plaintiffs' Supplemental Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction. For the reasons stated at 29 the April 17, 2021 Hearing, the Court will incorporate the filing as a supplemental brief in support of 5 the Plaintiffs' Motion for Preliminary Injunction. Signed by Judge Roy K. Altman on 5/7/2021. (mpt) (Entered: 05/07/2021)
05/14/2021	51	Joint MOTION for Extension of Time to File Proposed Order Scheduling Mediation (<i>Second Extension of Time</i>) by Bernard McDonald, Mark Messina. Responses due by 5/28/2021 (Shlackman, Mara) (Entered: 05/14/2021)
05/17/2021	52	NOTICE of Mediation Hearing. Selected/Added Michael Carbo as Mediator. Mediation Hearing set for 10/7/2021 at 1:00 PM. (Salmon, John) (Entered: 05/17/2021)
05/18/2021	53	Clerks Notice to Filer re 52 Notice of Mediator Selection and/or Hearing. Parties/Mediator Not Added ; ERROR - The Filer failed to add all parties from the complaint/petition/removal, etc. or the mediator. Filer is instructed to file a Notice of Entry of Parties Listed into CM/ECF and add the additional parties/mediator. (pcs) (Entered: 05/18/2021)
05/18/2021	54	ORDER Scheduling Mediation before Michael Carbo (Mediation Hearing set for 10/7/2021 01:00 PM), denying as moot 51 Joint MOTION for Extension of Time to File Proposed Order Scheduling Mediation (<i>Second Extension of Time</i>) filed by Bernard McDonald, Mark Messina. Signed by Judge Roy K. Altman on 5/17/2021. <i>See attached document for full details.</i> (pcs) (Entered: 05/18/2021)
05/18/2021	55	NOTICE by Mark Messina of Filing of Joint Proposed Order Scheduling Mediation (Attachments: # 1 Text of Proposed Order) (Taseff, Raymond) (Entered: 05/18/2021)
06/23/2021	56	ORDER. Signed by Judge Roy K. Altman on 6/23/2021. <i>See attached document for full details.</i> (lbc) (Entered: 06/23/2021)

09/23/2021	57	PAPERLESS NOTICE of Hearing: Status Conference set for 10/1/2021 02:00 PM before Judge Roy K. Altman. The hearing will be held via Zoom videoconference. Meeting ID: 161 2752 2255; Passcode: 7777. (mpt) (Entered: 09/23/2021)
09/24/2021	58	PAPERLESS ORDER. The hearing on October 1, 2021 will be held in person in Miami Chambers - 400 North Miami Avenue Courtroom 12-4 Miami, Florida 33128 - and over Zoom. The parties shall file a notice on the docket by September 31, 2021 indicating whether they will attend in person or over Zoom. Signed by Judge Roy K. Altman on 9/24/2021. (mpt) (Entered: 09/24/2021)
09/28/2021	59	NOTICE by City of Fort Lauderdale, Florida <i>Regarding October 1, 2021 Status Conference</i> (Burke, Michael) (Entered: 09/28/2021)
09/30/2021	60	NOTICE. The hearing on October 1, 2021 at 2:00pm will be held via Zoom video conference. Meeting ID: 161 2752 2255. Passcode: 7777. (mpt) (Entered: 09/30/2021)
10/01/2021	61	PAPERLESS Minute Entry for proceedings held before Judge Roy K. Altman: Status Conference held on 10/1/2021. Total time in court: 0 hour(s) : 2 minutes. Attorney Appearance(s): Michael Thomas Burke, Raymond J. Taseff, Dante Pasquale Trevisani, Mara Shlackman, Court Reporter: Francine Salopek, 954-769-5686 / Francine_Salopek@flsd.uscourts.gov. (mpt) (Entered: 10/01/2021)
10/09/2021	62	MEDIATION REPORT by Michael Carbo. Disposition: Adjourned.(Salmon, John) (Entered: 10/09/2021)
10/18/2021	63	Joint MOTION for Extension of Time to Mediate (Responses due by 11/1/2021), by Mark Messina. (Taseff, Raymond) Modified Text to Reflect One Relief on 10/19/2021 (ls). (Entered: 10/18/2021)
10/19/2021	64	Clerks Notice to Filer re 63 Joint MOTION for Extension of Time to Complete Mediation MOTION for Extension of Time to Mediate . Motion with One Relief Filed as Multiple Reliefs; ERROR - The Filer selected multiple relief events when only one relief was requested in the motion. The docket entry was corrected by the Clerk. It is not necessary to refile this document but future filings must comply with the instructions in the CM/ECF Attorney User's Manual. (ls) (Entered: 10/19/2021)

10/20/2021	65	PAPERLESS ORDER granting 63 the Joint Motion for Extension of Time to Conclude Mediation. The parties shall attend mediation by December 6, 2021. Within three days of the mediation, the parties shall file a joint mediation report with the Court. The report shall indicate whether the case settled (in full or in part), whether it was adjourned, or whether the mediator declared an impasse. Signed by Judge Roy K. Altman on 10/20/2021. (mpt) (Entered: 10/20/2021)
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