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Subject: Activity in Case 8:20-cv-00862-VMC-TGW Wiand v. Arduini et al Order on Motion to Continue
Date: Wednesday, April 21, 2021 6:00:02 PM

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U.S. District Court

Middle District of Florida

Notice of Electronic Filing

The following transaction was entered on 4/21/2021 at 5:59 PM EDT and filed on 4/21/2021

Case Name: Wiand v. Arduini et al

Case Number: [8:20-cv-00862-VMC-TGW](#)

Filer:

Document Number: 783(No document attached)

Docket Text:

ENDORSED ORDER granting in part Defendant David Wilkerson's pro se motion to reschedule the mediation. (Doc. # [776]). The Court is sorry to hear of Mr. Wilkerson's personal loss, and understands the challenges he has had to deal with. However, Mr. Wilkerson has filed his motion in response to the Court's order to show cause why his answer should not be stricken. Despite the difficulties he was facing, the obligation fell to Mr. Wilkerson to notify the Court that he needed to have the mediation continued--before the mediation took place, not three weeks after. The notice of mediation was entered on February 16, 2021, setting the mediation for March 30, 2021, and the notice was mailed to Mr. Wilkerson on February 17. Thus, Mr. Wilkerson had six weeks to prepare for a mediation that was held by video zoom; he need not have traveled to Tampa to participate. Mr. Wilkerson had the obligation to check the status of the case periodically or have someone forward mail to him so that he would have found out about the mediation. Accordingly, the fairest way to proceed is to direct the parties to schedule another round of mediation. Mr. Wilkerson is directed to contact the mediator and schedule a second round to occur before May 10, 2021. By April 30, 2021, Mr. Wilkerson is to file a notice detailing when the mediation is to take place. The Court can't tell if Mr. Wilkerson contacted Mr. Waechter before the date of the mediation to inform Mr. Waechter of his father's passing. If Mr. Waechter was informed of this before the mediation was to have taken place, then the receiver will bear his share of the costs

associated with another round of mediation. If Mr. Waechter was not informed until after the mediation was held, then Mr. Wilkerson needs to bear the costs of both sides for a second round of mediation. In the meantime, the Court encourages the parties to amicably resolve the matter if possible. Signed by Judge Virginia M. Hernandez Covington on 4/21/2021. (Covington, Virginia)

8:20-cv-00862-VMC-TGW Notice has been electronically mailed to:

Frederick Stewart Schriels frederick.schriels@gray-robinson.com, angela.calderon@gray-robinson.com, josef.rosen@gray-robinson.com

William Keith Fendrick keith.fendrick@hklaw.com, andrea.olson@hklaw.com

Peter John Grilli peter@grillimmediation.com, candace@grillimmediation.com

Gregory P. Holder greg@zinoberdiana.com, holdergp@gmail.com

Christopher J. Whitelock cjlw@whitelocklegal.com, ark@whitelocklegal.com

Jeffrey Carter Andersen candersen@bushross.com, ksalter@bushross.com

John W. Waechter jwaechter@eflegal.com, dturner@eflegal.com

Courtney Fernald cfernald@eflegal.com, dhonore@eflegal.com, tdillon@eflegal.com

Beatriz McConnell bmccConnell@eflegal.com, dhonore@eflegal.com, tdillon@eflegal.com

Lawrence Joseph Dougherty ldougherty@wiandlaw.com, abaker@wiandlaw.com

Jared J. Perez jperez@guerraking.com, awilson@guerraking.com, burt@burtonwwiandpa.com

Josef Yitzchak Rosen josef.rosen@gray-robinson.com, angela.calderon@gray-robinson.com

Alicia Gangi agangi@eflegal.com, afrederick@eflegal.com, dhonore@eflegal.com, tdillon@eflegal.com

Corey E. Dorne corey.dorne@hklaw.com, gloria.mcknight@hklaw.com

8:20-cv-00862-VMC-TGW Notice has been delivered by other means to:

Alan Johnston(Terminated)
2020 Holly Leaf Drive
Tyler, TX 75703

Betsy Doolin
6662 La Mirada Drive East, Unit 2
Jacksonville, FL 32217

David Wilkerson
11035 Golf Links Dr #77803
Charlotte, NC 28277

David Paul Lipinczyk(Terminated)
6336 Redman Road
Brockport, NY 14420

Elmore Rune Harris(Terminated)
5 Whitney Drive
Greenwich, CT 06831

Frank Nagel(Terminated)
10 Kyle Ct
Carmel, NY 10512

Jerry Puccio(Terminated)
5 Conklin Lane
Rockleigh, NJ 07647

Kayla Crowley(Terminated)
PO Box 190
Hamlin, PA 18427

Kevin Kerrigan(Terminated)
14 Fieldstone Road
Putnam Valley, NY 10579

Offer Attia
217 Forest Ave
New Rochelle, NY 10804

Vince Petralis(Terminated)
6 Adeane Drive West
Rochester, NY 14624