

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JEREMIAH CUMMINGS,

Plaintiff,

vs.

Case No. 6:09-cv-153-Orl-35GJK

LIONS GATE ENTERTAINMENT
CORP.,

Defendant.

**AGREED MOTION FOR ENLARGEMENT OF TIME TO FILE NOTICE OF
SETTLEMENT AND/OR PREPARE JOINT CASE MANAGEMENT REPORT**

Defendant, Lions Gate Entertainment Corporation, (“Lionsgate”) hereby files this Agreed Motion for Enlargement of Time to File Notice of Settlement and/or Prepare Joint Case Management Report, and in support thereof state as follows:

1. On April 30, 2009, Lionsgate requested that this case be stayed for twenty (20) days so that the parties could pursue settlement negotiations. (Doc. No. 13).
2. On May 1, 2009, this Honorable Court entered an Order staying this case for twenty (20) days and directing the parties to either file a notice of settlement or meet and prepare a joint case management report by May 20, 2009. (Doc. No. 14).
3. Counsel for Defendant has attempted to meet with Plaintiff (who is appearing *pro se*) regarding settlement discussions and for purposes of preparing a Joint Case Management Report. However, due to certain complications, namely, Plaintiff proceeding in this action without the aid of counsel, and an apparent scheduling conflict of Plaintiff’s, more time is needed to either file a Notice of Settlement or file a Joint Case Management Report. For these reasons, Lionsgate respectfully requests an enlargement of time of ten (10) days for the parties to

either file a Notice of Settlement or Joint Case Management Report.

4. During the past twenty (20) days, counsel for Lionsgate have diligently attempted to both discuss settlement negotiations and confer with Plaintiff regarding the preparation of the parties' case management report.

5. Counsel for Defendant have served a written settlement proposal on Plaintiff.

6. Counsel for Defendant also contacted Plaintiff last week in an effort to schedule a meeting to prepare the Joint Case Management Report.

7. Counsel for Defendant have also prepared a draft case management report and served it on Plaintiff.

8. Plaintiff wrote Counsel for Defendant an e-mail this week stating that he was "out of town on an assignment" and could not meet prior to May 20, 2009.

9. Counsel for Defendant contacted Plaintiff again this week, and Plaintiff stated that Plaintiff has remained out of town and out of the area and could not meet within the district prior to the Court's deadline of May 20, 2009. Plaintiff also suggested to Lionsgate that it would create a hardship if he were required to meet with Counsel for Defendant in person by this time.

10. Plaintiff also requested from Lionsgate more time to consider his responses to the Joint Case Management Report.

11. Based on Plaintiff's stated inability to confer with counsel for Lionsgate regarding the Joint Case Management Report, Lionsgate respectfully requests a brief enlargement of time of ten (10) days to complete the requirements of Rule 3.05. Lionsgate files this Motion in good faith and not for purposes of delay.

12. Pursuant to Rule 3.01(g), the parties have conferred regarding the relief requested in this Motion and are in agreement.

WHEREFORE, the parties respectfully request that this Court grant this Agreed Motion for an Enlargement of Time to File a Notice of Settlement and/or Joint Case Management Report.

Respectfully submitted this 20th day of May, 2009.

s/Michael S. Vitale

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 2009, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and sent an additional copy via U.S. Mail to: Jeremiah Cummings, 9151 Shadowbrook Trail, Orlando, FL 32825.

s/Michael S. Vitale

Michael S. Vitale

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