

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DALLAS WITTGENFELD and DANIEL  
A. BERNATH,

Plaintiffs,

v.

Case No: 2:17-cv-202-FtM-38MRM

ROBERT LOCKETT, DIANE  
SHIPLEY, DON SHIPLEY and  
EXTREME SEAL ADVENTURES,

Defendants.

\_\_\_\_\_ /

**ORDER**<sup>1</sup>

This matter comes before the Court on review of the file. On January 31, 2018, the Court stayed the case to allow the surviving spouse of the deceased plaintiff to notify the Court if she wished to proceed with the case. ([Doc. 68](#)). That time has expired and no notice or response has been filed. The Court warned that failure to respond could result in the Court dismissing the case without prejudice for failure to prosecute. Therefore, the case will be dismissed without prejudice.

Accordingly, it is now


**ORDERED:**

This action is **DISMISSED without prejudice** for failure to prosecute. The Clerk shall terminate all previously scheduled deadlines and pending motions, and close the file.

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<sup>1</sup> Disclaimer: Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees.

**DONE** and **ORDERED** in Fort Myers, Florida this 9th day of May, 2018.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record