

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

COLVISTEC AG, a German  
corporation

Plaintiff,

v.

Case No: 2:18-cv-783-FtM-38CM

EQUITECH INT'L CORP and MIP  
TECHNOLOGY CORPORATION,

Defendants.

---

**ORDER**

This matter comes before the Court upon review of the Agreed Motion to Waive In Person Case Management Report Meeting Requirement & to Extend Time to Hold the Meeting filed on December 28, 2018. Doc. 19. Plaintiff requests permission to hold the Case Management Conference (“CMC”) telephonically and extend the deadline for the CMC to January 31, 2019. *Id.* at 1. Plaintiff represents that Defendant Equitech International Corporation (“Equitech”) agrees to the requested relief. *See id.* The Court notes that no attorney has filed a Notice of Appearance for Equitech, and Defendant MIP Technology Corporation (“MIP”) has not appeared. *See generally* Docket.

On December 21, 2018, the Court entered an Order denying without prejudice Plaintiff’s Motion to Strike Answer related to Equitech’s Answer (Doc. 11) filed *pro se* through its Chairman. Doc. 15; *see* Doc. 14. In the Order, the Court directed Equitech to retain counsel and have counsel file a Notice of Appearance on or before

January 21, 2019. Doc. 15 at 2. Unless and until Equitech retains counsel, Equitech may not be heard in this case and may not participate in a CMC. *See* M.D. Fla. R. 2.03(e). Thus, as the Court finds good cause to delay the issuance of a scheduling order, the Court will extend the CMC deadline to **January 31, 2019**, to allow Equitech to first retain counsel, but will deny without prejudice the request to hold the CMC telephonically. *See* Fed. R. Civ. P. 16(b)(4). The parties may re-file that request after an attorney files a Notice of Appearance for Equitech. As the Preliminary Pretrial Conference is scheduled for February 6, 2019 (*see* Doc. 13), the parties shall file their Case Management Report on or before **February 4, 2019**.

Finally, Plaintiff served MIP on December 4, 2018, and MIP has not appeared or answered to date. *See* Doc. 16. Because more than 21 days have passed since MIP was served and Plaintiff has not moved for a Clerk's Default against MIP, the Court will direct Plaintiff to show cause why it has not filed a motion for entry of a Clerk's Default against MIP. *See* Fed. R. Civ. P. 12(a)(1)(A)(i); M.D. Fla. R. 1.07(b) ("When service of process has been effected but no appearance or response is made within the time and manner provided by Rule 12, Fed. R. Civ. P., the party effecting service shall promptly apply to the Clerk for entry of default pursuant to Rule 55(a)[.]")

ACCORDINGLY, it is

**ORDERED:**

1. The Agreed Motion to Waive In Person Case Management Report Meeting Requirement & to Extend Time to Hold the Meeting (Doc. 19) is **GRANTED in part and DENIED in part.**

2. The parties shall have up to and including **January 31, 2019** to hold their Case Management Conference and up to and including **February 4, 2019** to file their Case Management Report. Plaintiff's request to hold the Case Management Conference telephonically is **DENIED without prejudice.**

3. Plaintiff shall have up to and including **January 11, 2019** to **SHOW CAUSE** why it has not moved for entry of a Clerk's Default against Defendant MIP Technology Corporation.

**DONE and ORDERED** in Fort Myers, Florida on this 3rd day of January, 2019.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record  
*Pro se* parties