

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JOSEPH D. GILBERTI, JR. , P.E.,

Plaintiff,

v.

Case No.: 2:19-cv-282-FtM-38MRM

RON DESANTIS, THE MOSAIC  
COMPANY, MOSAIC FERTILIZER,  
LLC, ENVIRONMENTAL  
PROTECTION AGENCY,  
SARASOTA COUNTY BOARD OF  
COUNTY COMMISSIONERS,  
DESOTO COUNTY BOARD OF  
COUNTY COMMISSIONERS,  
HILLSBOROUGH COUNTY STATE  
ATTORNEYS OFFICE, SARASOTA  
MEMORIAL HOSPITAL, PEACE  
RIVER MANASOTA WATER  
SUPPLY AUTHORITY,  
SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT, 72  
PARTNERS, LLC and LUIS E.  
RIVERA,

Defendants.

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

Before the Court is Defendant Southwest Florida Water Management District's  
Motion to Stay Proceedings Pending Resolution of Appeal in a Related Case ([Doc. 21](#)).

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<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

Plaintiff Joseph Gilberti accuses Defendants of conspiring to hide “secret underground rivers of endless Unique Alkaline Spring Water” to cause “a massive Healthcare and National Debt crisis.” ([Doc. 1 at 2-3](#)). Gilberti filed a nearly identical case in the United States District Court for the District of Columbia earlier this year. The D.C. District Court dismissed that case because federal courts do not have subject matter jurisdiction over “patently insubstantial” claims. [Gilberti v. Fed. Reserve Sys., No. 1:19-CV-738, 2019 WL 1901293, at \\*2 \(D.D.C. Apr. 29, 2019\)](#). Gilberti is appealing the dismissal.

Federal courts generally avoid duplicative litigation because it is a waste of judicial resources for two courts to decide the same issues for the same parties. [Georgia ex rel. Olens v. McCarthy, 833 F.3d 1317, 1321 \(11th Cir. 2016\)](#). Courts have broad discretion “to stay or dismiss litigation in order to avoid duplicating a proceeding already pending in another federal court.” [Id.](#) Gilberti’s two cases share an important threshold issue: whether he has asserted claims that are justiciable in federal court. And that is the issue currently on appeal from the D.C. District Court. The Court finds that judicial economy is best served by staying this case pending the outcome of Gilberti’s appeal.

Accordingly, it is now

**ORDERED:**

(1) Defendant Southwest Florida Water Management District’s Motion to Stay Proceedings Pending Resolution of Appeal in a Related Case ([Doc. 21](#)) is

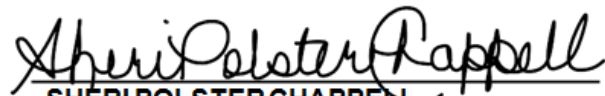
**GRANTED.**

(2) All proceedings in this case are **STAYED** until the parties advise the Court that the United States District Court for the District of Columbia receives a mandate

from an appellate court in Case No. 1:19-cv-738. The parties shall notify the Court within seven (7) days of entry of the mandate.

(3) The Clerk is **DIRECTED** to file a stay flag to this case.

**DONE** and **ORDERED** in Fort Myers, Florida this 19th day of June, 2019.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record