

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: GREGORY BRIAN
MYERS

GREGORY BRIAN MYERS,

Appellant,

v.

Case No.: 2:22-cv-478-SPC

U.S. BANK N.A.,

Appellee.

ORDER¹

Before the Court is Appellee U.S. Bank, N.A.'s Motion to Stay Deadlines Pending the Court's Ruling on Appellee's Motion to Dismiss. ([Doc. 19](#)). According to U.S. Bank's 3.01(g) Certification, Appellant Gregory Brian Myers opposes this motion. See [Doc. 19](#); M.D. Fla. R. 3.01(g).

U.S. Bank seeks to stay their deadline to respond to Myers' initial brief because of its pending Motion to Dismiss. ([Doc. 18](#)). U.S. Bank filed a Motion

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to Dismiss on December 30, 2022.² (Doc. 18). Myers' deadline to respond is January 20, 2023. U.S. Bank argues that staying the remaining briefing schedule pending the Court's ruling on the Motion to Dismiss conserves judicial resources and time. (Doc. 19).

The Court is sympathetic to U.S. Bank's argument and wants neither party to do unnecessary work. But U.S. Bank filed its Motion to Stay one business day before its initial response brief was due. See Doc. 19; Fed. R. Bankr. P. 8018. In apparent reliance on the Court's granting its motion in one day, U.S. Bank did not ask the Court for an extension of time to file its initial response brief nor did it file its brief.

U.S. Bank's less-than-ideal litigation timeline places the Court in a tricky place procedurally. The Court can't stay an expired deadline. So, the Court will deny the Motion to Stay (Doc. 19). But the Court will order Myers to respond to U.S. Bank's Motion to Dismiss (Doc. 18) and order U.S. Bank to file a response to Myers' initial brief within 14 days of the Court's ruling on the Motion to Dismiss (Doc. 18), if necessary.

Accordingly, it is now

ORDERED:


² U.S. Bank's Motion to Stay incorrectly states the Motion to Dismiss was filed on December 16, 2022. (Doc. 19 at 3).

1. Appellee U.S. Bank, N.A.'s Motion to Stay Deadlines Pending the Court's Ruling on Appellee's Motion to Dismiss ([Doc. 19](#)) is **DENIED**.

2. The Court **ORDERS** Appellant Gregory Brian Myers to respond to Appellee's Motion to Dismiss ([Doc. 18](#)) on or before January 20, 2023.

3. The Court **ORDERS** Appellee U.S. Bank, N.A. to file its initial response brief within 14 days of the Court's ruling on the Motion to Dismiss ([Doc. 18](#)), if necessary.

DONE and **ORDERED** in Fort Myers, Florida on January 9, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record