

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ERIK BENJAMIN CHERDAK,

Plaintiff,

v.

Case No.: 2:22-cv-634-SPC-NPM

VINCENT PAUL COTTONE and
LINDA MARIE COTTONE,

Defendants.

_____ /

ORDER¹

Before the Court is Plaintiff Erik Cherdak's Motion for Relief from Judgment (under [Fed. R. Civ. P. 60\(b\)\(1\)](#)) ([Doc. 37](#)) and Memorandum in Support of that motion ([Doc. 39](#)). Also before the Court is a second Motion for Relief from Judgment (under Rules 60(b)(2) and 60(d)(3)) ([Doc. 40](#)) and Memorandum in Support of that motion ([Doc. 42](#)). Cherdak has requested a hearing on both motions. ([Doc. 38](#), [Doc. 41](#)). And finally, Cherdak has also requested expedited processing of his motions. ([Doc. 43](#)).

Plaintiff has filed two separate Motions for Relief from Judgment under three subsections of [Fed. R. Civ. P. 60](#), along with two separate memoranda in

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support. These four documents should be filed as one motion. Under Local Rule 3.01(a), a motion must include “a concise statement of the precise relief requested, a statement of the basis for the request, and a legal memorandum supporting the request” all in one document not to exceed 25 pages. If Plaintiff would like to file a Motion for Relief from Judgment, he should compile all relevant arguments in one motion not to exceed 25 pages.

Accordingly, it is now

ORDERED:

1. Plaintiff’s Motion for Relief from Judgment ([Doc. 37](#)) is **DENIED**.
2. Plaintiff’s Motion for Relief from Judgment ([Doc. 40](#)) is **DENIED**.
3. Plaintiff’s Motion for Hearing on Motion for Relief from Judgment ([Doc. 38](#)) is **DENIED** as moot.
4. Plaintiff’s Motion for Hearing on Motion for Relief from Judgment ([Doc. 41](#)) is **DENIED** as moot.
5. Plaintiff’s Request for Expedited Processing ([Doc. 43](#)) is **DENIED** as moot.

DONE and **ORDERED** in Fort Myers, Florida on March 1, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record