

AMS,MEDIATION,REF_DISCOV

**U.S. District Court
Southern District of Florida (Ft. Lauderdale)
CIVIL DOCKET FOR CASE #: 0:10-cv-61897-KMW**

Murray v. Advance Stores Company, Inc.
Assigned to: Judge Kathleen M. Williams
Referred to: Magistrate Judge Andrea M. Simonton
Cause: 28:1441 Notice of Removal-Personal Injury

Date Filed: 10/07/2010
Jury Demand: Defendant
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Pretrella Murray

represented by **Pretrella Murray**
214 San Remo Boulevard
North Lauderdale, FL 33068
754-366-3142
PRO SE

Robert Charles Rogers , Jr.
Bohannon Rogers & Seiden
1141 SE 2nd Avenue
Fort Lauderdale, FL 33316
954-523-2800
Fax: 523-2732
Email: brogers@bohannonrogers.com
TERMINATED: 02/22/2011
ATTORNEY TO BE NOTICED

V.

Defendant

Advance Stores Company, Inc.
a foreign corporation
doing business as
Advance Auto Parts

represented by **Emmet Jay Schwartzman**
Carlton Fields
100 SE 2nd Street
Suite 4200
PO Box 019101
Miami, FL 33131-9101
305-530-0050
Fax: 530-0055
Email:
eschwartzman@carltonfields.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/07/2010	<u>1</u>	NOTICE OF REMOVAL Filing fee \$ 350.00 receipt number 113C-3218921, filed by Advance Stores Company, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet,

		# <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K)(Schwartzman, Emmet) (Entered: 10/07/2010)
10/07/2010	<u>2</u>	Judge Assignment RE: Electronic Complaint to Judge Cecilia M. Altonaga (gme) (Entered: 10/08/2010)
10/08/2010	<u>3</u>	Notice of Court Practice in Removal Cases; Removal Status Report due by 10/25/2010. Signed by Judge Cecilia M. Altonaga on 10/8/2010. (ps1) (Entered: 10/08/2010)
10/08/2010	<u>4</u>	Order Requiring Joint Scheduling Report and Certificats of Interested Parties to be filed by 11/1/2010. Signed by Judge Cecilia M. Altonaga on 10/8/2010. (ps1) (Entered: 10/08/2010)
10/12/2010	<u>5</u>	Corporate Disclosure Statement by Advance Stores Company, Inc. identifying Corporate Parent Advance Auto Parts, Inc. for Advance Stores Company, Inc. (Schwartzman, Emmet) (Entered: 10/12/2010)
10/13/2010	<u>6</u>	STATUS REPORT <i>for Removal</i> by Advance Stores Company, Inc. (Schwartzman, Emmet) (Entered: 10/13/2010)
10/18/2010	<u>7</u>	ANSWER and Affirmative Defenses to Complaint with Jury Demand by Advance Stores Company, Inc..(Schwartzman, Emmet) (Entered: 10/18/2010)
10/29/2010	<u>8</u>	SCHEDULING REPORT - Rule 16.1 by Advance Stores Company, Inc., Pretrella Murray (Attachments: # <u>1</u> Text of Proposed Order)(Schwartzman, Emmet) (Entered: 10/29/2010)
10/29/2010	<u>9</u>	ORDER Setting Trial and Pre-Trial Schedule, Requiring Mediation, and Referring Certain Motions to Ch. Magistrate Judge Stephen T. Brown: Jury Trial set for 2 week trial period beginning 8/29/2011 before Judge Cecilia M. Altonaga, Calendar Call set for 8/23/2011 09:00 AM in Miami Division before Judge Cecilia M. Altonaga. Motions to amend pleadings or join parties due by 12/29/2010. All discovery to be completed by 4/29/2011. Proposed order scheduling mediation due by 11/19/2010, mediation must be completed and report filed by 5/13/11. In Limine Motions due by 7/11/2011. All pre-trial motions due by 5/23/2011. Pretrial Stipulation due by 7/11/2011. Signed by Judge Cecilia M. Altonaga on 10/29/2010. (ps1) (Entered: 10/29/2010)
11/02/2010	<u>10</u>	ORDER TO SHOW CAUSE for Plaintiff's failure to file certificates of interested parties; Show Cause Response due by 11/10/2010. Signed by Judge Cecilia M. Altonaga on 11/2/2010. (ps1) (Entered: 11/02/2010)
11/02/2010	<u>11</u>	ORDER on Discovery - [see order for full details]. Signed by Ch. Magistrate Judge Stephen T. Brown on 11/2/2010. (dt) (Entered: 11/02/2010)
11/16/2010	<u>12</u>	ORDER SETTING SHOW CAUSE HEARING. Show Cause Hearing set for 11/23/2010 10:00 AM in Miami Division before Judge Cecilia M. Altonaga. Signed by Judge Cecilia M. Altonaga on 11/16/10. (tas) (Entered: 11/16/2010)
11/22/2010	<u>13</u>	RESPONSE TO ORDER TO SHOW CAUSE by Pretrella Murray. (Rogers, Robert) (Entered: 11/22/2010)

11/22/2010	<u>14</u>	ORDER DISMISSING CASE without prejudice. Signed by Judge Cecilia M. Altonaga on 11/22/2010. (ps1) (Entered: 11/22/2010)
11/23/2010	<u>15</u>	MOTION to Set Aside <u>14</u> Order Dismissing Case, MOTION to Vacate <i>Order Dismissing Case</i> (Responses due by 12/10/2010) by Advance Stores Company, Inc.. (Schwartzman, Emmet) (Entered: 11/23/2010)
11/23/2010	<u>16</u>	ORDER as to <u>15</u> MOTION to Set Aside <u>14</u> Order Dismissing Case MOTION to Vacate <i>Order Dismissing Case</i> ; Responses due by 12/10/2010; Motion Hearing set for 12/13/2010 09:00 AM in Miami Division before Judge Cecilia M. Altonaga. Plaintiff and her attorney are required to attend. Signed by Judge Cecilia M. Altonaga on 11/23/2010. (ps1) (Entered: 11/23/2010)
12/01/2010	<u>17</u>	RESPONSE in Opposition re <u>15</u> MOTION to Set Aside <u>14</u> Order Dismissing Case MOTION to Vacate <i>Order Dismissing Case</i> filed by Pretrella Murray. (Rogers, Robert) (Entered: 12/01/2010)
12/01/2010	<u>18</u>	CERTIFICATE of Interested Party by Pretrella Murray (Rogers, Robert) (Entered: 12/01/2010)
12/02/2010	<u>19</u>	RESPONSE in Support re <u>15</u> MOTION to Set Aside <u>14</u> Order Dismissing Case MOTION to Vacate <i>Order Dismissing Case</i> filed by Advance Stores Company, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Schwartzman, Emmet) (Entered: 12/02/2010)
12/13/2010	<u>20</u>	Joint MOTION for Extension of Time to File <i>Motions to Amend Pleadings or Join Parties</i> by Advance Stores Company, Inc., Pretrella Murray. (Schwartzman, Emmet) (Entered: 12/13/2010)
12/13/2010	21	Minute Entry for proceedings held before Judge Cecilia M. Altonaga: Motion Hearing held on 12/13/2010 re <u>15</u> MOTION to Set Aside <u>14</u> Order Dismissing Case MOTION to Vacate <i>Order Dismissing Case</i> filed by Advance Stores Company, Inc. Robert C. Rogers, Jr., Esq. for Plaintiff; Emmet J. Schwartzman, Esq. for the Defendant. Court Reporter: Barbara Medina, 305-523-5518 / Barbara_Medina@flsd.uscourts.gov (ps1) (Entered: 12/13/2010)
12/14/2010	<u>22</u>	Notice of Mediation Hearing before Mediator, Charles Tetunic filed by Charles Tetunic. Mediation Hearing set for 4/26/2011 11:30 AM (Chaplin, James) (Entered: 12/14/2010)
12/14/2010	<u>23</u>	ORDER granting <u>15</u> to Set Aside and Vacate Order Dismissing Case Without Prejudice. Signed by Judge Cecilia M. Altonaga on 12/14/2010. (ps1) Modified on 12/14/2010 to correct typographical error (ps1). (Entered: 12/14/2010)
12/14/2010		Case Reopened, per <u>23</u> Order. (ps1) (Entered: 12/14/2010)
12/14/2010	<u>24</u>	ORDER requiring the parties to submit a proposed order scheduling mediation by 12/17/10, re <u>22</u> Notice of Mediation Hearing filed by Charles Tetunic. Signed by Judge Cecilia M. Altonaga on 12/14/2010. (ps1) (Entered: 12/14/2010)
12/14/2010	<u>25</u>	NOTICE by Advance Stores Company, Inc. of <i>Filing Proposed Order</i>

		<i>Scheduling Mediation</i> (Attachments: # <u>1</u> Text of Proposed Order) (Schwartzman, Emmet) (Entered: 12/14/2010)
12/14/2010	<u>26</u>	NOTICE of Striking <u>25</u> Notice (Other) filed by Advance Stores Company, Inc. by Advance Stores Company, Inc. (Schwartzman, Emmet) (Entered: 12/14/2010)
12/14/2010	<u>27</u>	NOTICE by Advance Stores Company, Inc., Pretrella Murray <i>of Filing Proposed Order Scheduling Mediation</i> (Attachments: # <u>1</u> Text of Proposed Order)(Schwartzman, Emmet) (Entered: 12/14/2010)
12/14/2010	<u>28</u>	ORDER granting <u>20</u> Motion for Extension of Time to File Motions Amend Pleadings or Join Parties until 1/28/11. Signed by Judge Cecilia M. Altonaga on 12/14/2010. (ps1) (Entered: 12/14/2010)
12/14/2010		Set/Reset Scheduling Order Deadlines: Amended Pleadings due by 1/28/2011. Joinder of Parties due by 1/28/2011. (ps1) (Entered: 12/14/2010)
12/14/2010	<u>29</u>	ORDER Scheduling Mediation before Charles Tetunic: Mediation Hearing set for 4/26/2011 11:30 AM. Signed by Judge Cecilia M. Altonaga on 12/14/2010. (ps1) (Entered: 12/14/2010)
01/05/2011	<u>30</u>	NOTICE by Pretrella Murray <i>OF DEPOSITONS</i> (Rogers, Robert) (Entered: 01/05/2011)
01/05/2011	31	NOTICE to Take Deposition of Mike Beasley, Rohan Thompson and Renaldo Salles by Pretrella Murray.(lh)per notice <u>30</u> (Entered: 01/05/2011)
01/05/2011	32	Clerks Notice to Filer re <u>30</u> Notice (Other). Wrong Event Selected; ERROR - The Filer selected the wrong event. The document was re-docketed by the Clerk, see [de#31]. It is not necessary to refile this document. (lh) (Entered: 01/05/2011)
02/18/2011	<u>33</u>	First MOTION to Withdraw as Attorney <i>for Pretrella Murray</i> by Robert C. Rogers, Jr.. by Pretrella Murray. Responses due by 3/7/2011 (Rogers, Robert) (Entered: 02/18/2011)
02/22/2011	<u>34</u>	ORDER granting <u>33</u> Motion to Withdraw as Attorney. Attorney Robert Charles Rogers, Jr terminated.. Signed by Judge Cecilia M. Altonaga on 2/22/2011. (ps1) (Entered: 02/22/2011)
03/18/2011	<u>35</u>	NOTICE of Intent to Proceed Pro Se by Pretrella Murray (lh) (Entered: 03/21/2011)
03/21/2011	<u>36</u>	RESPONSE/REPLY to <u>35</u> Notice (Other) <i>Defendant's Response to Plaintiff's Notice of Intent to Proceed Pro se</i> by Advance Stores Company, Inc.. (Schwartzman, Emmet) (Entered: 03/21/2011)
03/22/2011	<u>37</u>	ORDER PROVIDING INSTRUCTIONS TO PRO SE LITIGANT. Signed by Judge Cecilia M. Altonaga on 3/22/2011. (ps1) (Entered: 03/22/2011)
03/23/2011	<u>38</u>	ORDER re <u>35</u> Notice of Intent to Proceed Pro se filed by Pretrella Murray; the Notice is granted for Plaintiff to proceed pro se; denied as to extension of time to secure new counsel. Signed by Judge Cecilia M. Altonaga on 3/23/2011. (ps1) (Entered: 03/23/2011)

03/23/2011	<u>39</u>	Defendant's MOTION to Compel <i>Discovery</i> by Advance Stores Company, Inc.. Responses due by 4/11/2011 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Schwartzman, Emmet) (Entered: 03/23/2011)
04/01/2011	40	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Orders 2010-145 and 2011-18 to Magistrate Judge Andrea M. Simonton. Ch. Magistrate Judge Stephen T. Brown no longer assigned to case. Motions referred to Andrea M. Simonton. (dm) (Entered: 04/01/2011)
04/01/2011	41	Clerks Notice of Docket Correction re 40 Case Reassignment of Paired Magistrate Judge,. Correction ; Case reassigned to correct Magistrate Judge Stephen T. Brown. (dm) (Entered: 04/01/2011)
04/05/2011	<u>42</u>	ORDER granting <u>39</u> Motion to Compel - Plaintiff shall have ten (10) days from the date of this order to answer (not object to) the interrogatories and to produce (not object to) the documents sought. Plaintiff shall have five (5) days from the date of this order to show good cause, in writing, why sanctions should not be imposed for the necessity of the filing of the motion to compel. Signed by Ch. Magistrate Judge Stephen T. Brown on 4/5/2011. (dt) (Entered: 04/05/2011)
04/05/2011	<u>43</u>	CERTIFICATION of Transfer to New Paired Magistrate Judge. Signed by Ch. Magistrate Judge Stephen T. Brown on 4/5/2011. (mr1) (Entered: 04/06/2011)
04/19/2011	<u>44</u>	NOTICE by Advance Stores Company, Inc. re <u>42</u> Order on Motion to Compel, of Plaintiff's Non-Compliance with April 5, 2011 Order Granting Motion to Compel Discovery (Schwartzman, Emmet) (Entered: 04/19/2011)
04/19/2011	45	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Orders 2010-145 and 2011-18 to Magistrate Judge Andrea M. Simonton. Ch. Magistrate Judge Stephen T. Brown no longer assigned to case. (vp) (Entered: 04/19/2011)
04/25/2011	<u>46</u>	NOTICE of Filing Discovery: Request for Production and Answer to Interrogatories of Documents by Pretrella Murray.(jc) (Entered: 04/25/2011)
04/25/2011	<u>47</u>	NOTICE of Change of Address by Pretrella Murray (lh)system updated (Entered: 04/25/2011)
04/25/2011	<u>48</u>	MOTION for Extension of Time to Complete Discovery by Pretrella Murray. (lh) (Entered: 04/25/2011)
04/27/2011	<u>49</u>	RESPONSE to Motion re <u>48</u> MOTION for Extension of Time to Complete Discovery filed by Advance Stores Company, Inc.. Replies due by 5/9/2011. (Attachments: # <u>1</u> Exhibit)(Schwartzman, Emmet) (Entered: 04/27/2011)
04/27/2011	<u>50</u>	MOTION to Amend/Correct <u>9</u> Scheduling Order, Order Referring Case to Mediation, Order Referring Case to Magistrate Judge,,,,, (Responses due by 5/16/2011), MOTION for Sanctions by Advance Stores Company, Inc.. (Schwartzman, Emmet) (Entered: 04/27/2011)
04/28/2011		ORDER REFERRING CASE to Magistrate Judge for rulings on all pre-trial, non-dispositive matters and for issuance of a Report and Recommendation on

		any dispositive matters. Signed by Judge Cecilia M. Altonaga on 4/27/2011. (lh) (Entered: 04/28/2011)
04/28/2011	51	PAPERLESS NOTICE of Hearing on Motion <u>50</u> MOTION to Amend/Correct <u>9</u> Scheduling Order, MOTION for Sanctions : Motion Hearing set for Friday, 5/13/2011 08:30 AM in Miami Division before Judge Cecilia M. Altonaga. (tas) (Entered: 04/28/2011)
04/29/2011	<u>52</u>	NOTICE of Hearing on Motion <u>50</u> MOTION to Modify Pretrial Schedule, for Status Conference, and ALternative Motion for Sanctions. Motion Hearing set for Friday, 5/13/2011 08:30 AM in Miami Division before Judge Cecilia M. Altonaga. (tas) (Entered: 04/29/2011)
05/13/2011	53	Minute Entry for proceedings held before Judge Cecilia M. Altonaga: Motion Hearing held on 5/13/2011 re <u>50</u> MOTION to Amend/Correct <u>9</u> Scheduling Order, Order Referring Case to Mediation, Order Referring Case to Magistrate Judge,,,,,, MOTION for Sanctions filed by Advance Stores Company, Inc.. Court Reporter: Barbara Medina, 305-523-5518 / Barbara_Medina@flsd.uscourts.gov (jpr) (Entered: 05/13/2011)
05/13/2011	<u>54</u>	ORDER denying as moot <u>48</u> Motion for Extension of Time to Complete Discovery; granting <u>50</u> Motion to Amend/Correct, granting <u>50</u> Motion for Sanctions. Signed by Judge Cecilia M. Altonaga on 5/13/2011. (lk) (Entered: 05/13/2011)
05/13/2011		Set/Reset Deadlines/Hearings as per DE <u>54</u> : Discovery due by 6/29/2011. Mediation Deadline 7/13/2011. Pretrial Motions due by 7/22/2011. Calendar Call set for 11/1/2011 09:00 AM in Miami Division before Judge Cecilia M. Altonaga. Jury Trial set for 11/7/2011 before Judge Cecilia M. Altonaga. (lk) (Entered: 05/13/2011)
05/18/2011	<u>55</u>	ORDER Scheduling Mediation before BARRY L. GARBER, UNITED STATES MAGISTRATE JUDGE for 7/7/2011, at 10:00 AM. Signed by Magistrate Judge Barry L. Garber on 5/18/2011. (cc) (Entered: 05/18/2011)
06/01/2011	<u>56</u>	Defendant's MOTION to Strike <i>Plaintiff's Complaint as a Sanction for Fraud on the Court</i> by Advance Stores Company, Inc.. Responses due by 6/20/2011 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Schwartzman, Emmet) (Entered: 06/01/2011)
06/02/2011	<u>57</u>	Defendant's MOTION to Dismiss the State Court Complaint contained within the Notice of Removal <u>1</u> Notice of Removal, <i>as a Sanction for Non-Compliance with April 5, 2011 and May 13, 2011 Orders</i> by Advance Stores Company, Inc.. Responses due by 6/20/2011 (Attachments: # <u>1</u> Exhibit A) (Schwartzman, Emmet) (Entered: 06/02/2011)
06/03/2011	<u>58</u>	RESPONSE to Motion re <u>57</u> Defendant's MOTION to Dismiss the State Court Complaint contained within the Notice of Removal <u>1</u> Notice of Removal, <i>as a Sanction for Non-Compliance with April 5, 2011 and May 13, 2011 Orders</i> filed by Pretrella Murray. (lh) (Entered: 06/06/2011)
06/06/2011	<u>59</u>	RESPONSE in Support re <u>57</u> Defendant's MOTION to Dismiss the State Court Complaint contained within the Notice of Removal <u>1</u> Notice of

		Removal, as a Sanction for Non-Compliance with April 5, 2011 and May 13, 2011 Orders Defendant's MOTION to Dismiss the State Court Complaint contained within the Notice of Removal <u>1</u> Notice of Removal, as a Sanction for Non-Compliance with April 5, 2011 and May 13, 2011 Orders filed by Advance Stores Company, Inc.. (Schwartzman, Emmet) (Entered: 06/06/2011)
06/09/2011	<u>60</u>	MOTION to Produce Evidence by Pretrella Murray. (lh) (Entered: 06/09/2011)
06/14/2011	<u>61</u>	RESPONSE to Motion re <u>60</u> MOTION to Produce filed by Advance Stores Company, Inc.. Replies due by 6/24/2011. (Schwartzman, Emmet) (Entered: 06/14/2011)
06/17/2011	<u>62</u>	MOTION to Compel <i>All Evidence</i> by Pretrella Murray. Responses due by 7/5/2011 (abe) (Entered: 06/20/2011)
06/20/2011	<u>63</u>	Defendant's MOTION to Compel <i>Better Answers to Interrogatories</i> by Advance Stores Company, Inc.. Responses due by 7/8/2011 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Schwartzman, Emmet) (Entered: 06/20/2011)
06/21/2011	<u>64</u>	RESPONSE to Motion re <u>62</u> MOTION to Compel <i>All Evidence</i> filed by Advance Stores Company, Inc.. Replies due by 7/1/2011. (Schwartzman, Emmet) (Entered: 06/21/2011)
06/21/2011	<u>65</u>	ORDER Setting Hearing on outstanding Motions for June 30, 2011 at 10:00 AM before Magistrate Judge Andrea M. Simonton. See Order for Details. Signed by Magistrate Judge Andrea M. Simonton on 6/21/2011. (par) (Entered: 06/21/2011)
06/21/2011	<u>66</u>	Motion for Production of Surveillance Tape by Pretrella Murray (abe) Modified text to convert to motion on 6/23/2011 (dm). (Main Document 66 replaced on 6/30/2011) (drz). (Entered: 06/22/2011)
06/23/2011	<u>67</u>	RESPONSE to Motion re <u>66</u> Motion for Production of Surveillance Tape filed by Advance Stores Company, Inc.. Replies due by 7/5/2011. (Schwartzman, Emmet) (Entered: 06/23/2011)
06/27/2011	<u>68</u>	Defendant's MOTION to Amend/Correct <u>9</u> Scheduling Order, Order Referring Case to Mediation, Order Referring Case to Magistrate Judge,,,,,, <u>54</u> Order on Motion for Extension of Time to Complete Discovery, Order on Motion to Amend/Correct, Order on Motion for Sanctions <i>Modify Pretrial Schedule</i> by Advance Stores Company, Inc.. Responses due by 7/14/2011 (Schwartzman, Emmet) (Entered: 06/27/2011)
06/28/2011	<u>69</u>	NOTICE of Serving Subpoena by Pretrella Murray (abe) (Main Document 69 replaced on 6/30/2011) (asl). (Entered: 06/29/2011)
06/30/2011	<u>70</u>	NOTICE by Advance Stores Company, Inc. of <i>Filing Original Deposition Transcript of Pretrella Murray</i> (Schwartzman, Emmet) (Entered: 06/30/2011)
06/30/2011	71	TEXT Minute Entry for proceedings held before Magistrate Judge Andrea M. Simonton: Motion Hearing held on 6/30/2011 re <u>56</u> Defendant's MOTION to Strike <i>Plaintiff's Complaint as a Sanction for Fraud on the Court</i> filed by

		Advance Stores Company, Inc., <u>60</u> MOTION to Produce filed by Pretrella Murray, <u>63</u> Defendant's MOTION to Compel <i>Better Answers to Interrogatories</i> filed by Advance Stores Company, Inc., <u>57</u> Defendant's MOTION to Dismiss the State Court Complaint contained within the Notice of Removal <u>1</u> Notice of Removal, <i>as a Sanction for Non-Compliance with April 5, 2011 and May 13, 2011 Orders</i> Defendant's MOTION to Dismiss the State Court Complaint contained within the Notice of Removal <u>1</u> Notice of Removal, <i>as a Sanction for Non-Compliance with April 5, 2011 and May 13, 2011 Orders</i> filed by Advance Stores Company, Inc., <u>62</u> MOTION to Compel <i>All Evidence</i> filed by Pretrella Murray, <u>66</u> Motion for Production of Surveillance Tape filed by Pretrella Murray. Evidentiary Hearing held on 6/30/2011. Pro Se Plaintiff, Pretrella Murray appeared at this hearing. Attorney Emmet Schwartzman appeared at this hearing on behalf of the Defendant. Witness Pretrella Murray testified. Oral arguments heard. Written order to follow. (A Continued Evidentiary Hearing set for 7/6/2011 02:00 PM in Miami Division before Magistrate Judge Andrea M. Simonton). Court Reporter: Gilda Pastor-Hernandez, 305-523-5118 / Gilda_Pastor-Hernandez@flsd.uscourts.gov and Carleen Horenkamp, 305-523-5138 / Carleen_Horenkamp@flsd.uscourts.gov. (aw) (Entered: 07/01/2011)
07/01/2011	<u>72</u>	MOTION for Extension of Time to Serve Subpoenas by Pretrella Murray. Responses due by 7/18/2011 (jua) (Entered: 07/05/2011)
07/05/2011	<u>73</u>	MEMORANDUM in Support <u>57</u> Motion to Dismiss Plaintiff's Complaint as a Sanction for Non-Compliance with April 5, 2011 and May 13, 2011 Orders by Advance Stores Company, Inc.. (Schwartzman, Emmet) Modified/Added link to Motion on 7/6/2011 (lk). (Entered: 07/05/2011)
07/05/2011	<u>74</u>	SUPPLEMENT to <u>56</u> Motion to Strike Plaintiff's Complaint as a Sanction for Fraud on the Court by Advance Stores Company, Inc. (Schwartzman, Emmet). Modified/Added link to Motion on 7/6/2011 (lk). (Entered: 07/05/2011)
07/06/2011	<u>75</u>	Defendant's MOTION for Summary Judgment by Advance Stores Company, Inc.. Responses due by 7/25/2011 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Schwartzman, Emmet) (Entered: 07/06/2011)
07/06/2011	76	Clerks Notice to Filer re <u>73</u> Memorandum. Document Not Linked; ERROR - The filed document was not linked to the related docket entry. The correction was made by the Clerk. It is not necessary to refile this document. (lk) (Entered: 07/06/2011)
07/06/2011	77	TEXT Minute Entry for proceedings held before Magistrate Judge Andrea M. Simonton: Evidentiary Hearing held on 7/6/2011 re <u>56</u> Defendant's MOTION to Strike <i>Plaintiff's Complaint as a Sanction for Fraud on the Court</i> filed by Advance Stores Company, Inc. Pro se Plaintiff, Pretrella Murray appeared at this hearing. Attorneys Emmet Schwartzman and Angela Fuentes-Leon appeared at this hearing on behalf of the Defendant. Witness Chandra Bussoni sworn and testified. Direct examination. Cross examination. Witness Emmet Schwartzman, Esq. sworn and testified. Direct examination. Cross examination. Exhibit B to motion admitted. Exhibit C to motion admitted. Plaintiff to file an inventory of additional production of documents with the

		Court, as well as, a sworn declaration by 7/12/2011. Court Reporter: Lisa Edwards, 305-523-5499 / Lisa_Edwards@flsd.uscourts.gov (aw) (Entered: 07/06/2011)
07/07/2011	<u>78</u>	MOTION to Stay Request for Reset of Mediation Date by Pretrella Murray. Responses due by 7/25/2011 (jua) (Entered: 07/07/2011)
07/07/2011	<u>79</u>	ORDER re: plaintiff's failure to appear at the mediation scheduled by this Courts Order dated May 18, 2011. Signed by Magistrate Judge Barry L. Garber on 7/7/2011. (cc) (Entered: 07/07/2011)
07/12/2011	<u>80</u>	ORDER denying <u>78</u> Motion to Stay and Request for Reset of Mediation Date. Signed by Judge Cecilia M. Altonaga on 7/12/2011. (ps1) (Entered: 07/12/2011)
07/12/2011	<u>81</u>	NOTICE by Advance Stores Company, Inc. of <i>Filing Declaration</i> (Schwartzman, Emmet) (Entered: 07/12/2011)
07/12/2011	<u>82</u>	MOTION not dismiss case due to fraud or sanction by Pretrella Murray. Responses due by 7/29/2011 (abe) (Entered: 07/14/2011)
07/14/2011	<u>83</u>	RESPONSE to Motion re <u>82</u> MOTION to Stay filed by Advance Stores Company, Inc.. Replies due by 7/25/2011. (Schwartzman, Emmet) (Entered: 07/14/2011)
07/15/2011	<u>84</u>	ORDER denying <u>68</u> Motion to Amend/Correct; denying <u>82</u> Motion to Stay. Signed by Judge Cecilia M. Altonaga on 7/15/2011. (ps1) (Entered: 07/15/2011)
07/15/2011	<u>85</u>	Request for Reset re <u>79</u> Order by Pretrella Murray. (drz) (Entered: 07/16/2011)
07/15/2011	<u>86</u>	MOTION to Stay/ Non-Dismissal of Case by Pretrella Murray. Responses due by 8/1/2011 (drz) (Entered: 07/16/2011)
07/18/2011	<u>87</u>	RESPONSE to Motion re <u>86</u> MOTION to Stay / <i>Non Dismissal of Case</i> filed by Advance Stores Company, Inc.. Replies due by 7/28/2011. (Schwartzman, Emmet) (Entered: 07/18/2011)
07/18/2011	<u>88</u>	RESPONSE to Motion re <u>85</u> MOTION for Reset re <u>79</u> Order filed by Advance Stores Company, Inc.. Replies due by 7/28/2011. (Schwartzman, Emmet) (Entered: 07/18/2011)
07/19/2011	<u>89</u>	ORDER denying <u>60</u> Motion to Produce; denying <u>62</u> Motion to Compel; denying <u>85</u> Motion ; denying <u>86</u> Motion to Stay. Signed by Judge Cecilia M. Altonaga on 7/19/2011. (mno) (Entered: 07/19/2011)
07/19/2011	90	ORDER denying <u>66</u> Motion to Produce. The surveillance video no longer exists, and Defendant has explained the reasons why. Signed by Judge Cecilia M. Altonaga (CMA) (Entered: 07/19/2011)
07/21/2011	91	ORDER denying <u>72</u> Motion for Extension of Time. It is unclear what relief Plaintiff is requesting. Signed by Judge Cecilia M. Altonaga (CMA) (Entered: 07/21/2011)

07/22/2011	<u>92</u>	NOTICE by Pretrella Murray (abe) (Entered: 07/25/2011)
07/25/2011	<u>93</u>	Defendant's MOTION to Strike <u>92</u> Notice (Other) by Advance Stores Company, Inc.. Responses due by 8/11/2011 (Schwartzman, Emmet) (Entered: 07/25/2011)
07/25/2011	94	ORDER denying <u>93</u> Motion to Strike. Striking the notice filed by plaintiff will not advance the case.Signed by Judge Cecilia M. Altonaga (CMA) (Entered: 07/25/2011)
07/27/2011	<u>95</u>	MOTION to Produce Oil Container and Cap by Pretrella Murray. (ar2) (Entered: 07/28/2011)
07/27/2011	<u>96</u>	MOTION to Appeal Decision of Denials by Pretrella Murray. (lh) (Entered: 07/28/2011)
07/28/2011	<u>97</u>	RESPONSE to Motion re <u>95</u> MOTION to Produce <i>Oil Container and Cap</i> filed by Advance Stores Company, Inc.. Replies due by 8/8/2011. (Schwartzman, Emmet) (Entered: 07/28/2011)
07/28/2011	<u>98</u>	RESPONSE to Motion re <u>96</u> MOTION for Reconsideration filed by Advance Stores Company, Inc.. Replies due by 8/8/2011. (Schwartzman, Emmet) (Entered: 07/28/2011)
07/29/2011	<u>99</u>	ORDER denying <u>95</u> Motion to Produce Oil Container and Cap; denying <u>96</u> Motion to Appeal Decision of Denials. Defendant's Motion for fees and costs re <u>97</u> Response to Motion filed by Advance Stores Company, Inc., <u>98</u> Response to Motion filed by Advance Stores Company, Inc. are denied at this point. Signed by Judge Cecilia M. Altonaga on 7/29/2011. (ps1) (Entered: 07/29/2011)
08/31/2011	<u>100</u>	Emergency MOTION to Appoint Counsel by Pretrella Murray. Responses due by 9/19/2011 (drz) (Entered: 08/31/2011)
08/31/2011	<u>101</u>	ORDER denying <u>100</u> Motion to Appoint Counsel. Signed by Judge Cecilia M. Altonaga on 8/31/2011. (ps1) (Entered: 08/31/2011)
09/01/2011	102	CLERK'S NOTICE that this cause will be TRANSFERRED to the calendar of District Judge Kathleen M. Williams on September 8, 2011. (vp) (Entered: 09/01/2011)
09/01/2011	<u>103</u>	REPORT AND RECOMMENDATION recommending denying <u>56</u> Defendant's Motion to Strike Plaintiff's Complaint as a Sanction for Fraud on the Court, and granting <u>57</u> Defendant's Motion to Dismiss Plaintiff's Complaint as Sanction for Non-Compliance with the April 5, 2011 and May 13, 2011 Orders. Objections to R&R due by 9/19/2011. Signed by Magistrate Judge Andrea M. Simonton on 9/1/2011. (mmn) (Entered: 09/01/2011)
09/02/2011	<u>104</u>	Defendant's MOTION for Extension of Time TO ENLARGE DEADLINE TO FILE JOINT PRETRIAL STIPULATION, PROPOSED JURY INSTRUCTIONS AND MOTIONS IN LIMINE by Advance Stores Company, Inc.. Responses due by 9/19/2011 (Schwartzman, Emmet) (Entered: 09/02/2011)

09/02/2011	<u>105</u>	OMNIBUS DISCOVERY ORDER setting forth rulings made at June 30, 2011, hearing. Signed by Magistrate Judge Andrea M. Simonton on 9/2/2011. (AMS) (Entered: 09/02/2011)
09/07/2011	<u>106</u>	MOTION to Stay, not dismiss case by Pretrella Murray. (lh) (Entered: 09/07/2011)
09/08/2011	<u>107</u>	ORDER REASSIGNING CASE to Judge Kathleen M. Williams for all further proceedings, Judge Cecilia M. Altonaga no longer assigned to case. Signed by Judge Cecilia M. Altonaga on 8/29/2011. (vp) (Entered: 09/08/2011)
09/12/2011	<u>108</u>	ORDER Providing Notice to Pro Se Litigant of Intent to Rule on Motion for Summary Judgment Without Oral Argument. Signed by Magistrate Judge Andrea M. Simonton on 9/12/2011. (par) Modified linkage on 9/13/2011 (dgj). (Entered: 09/12/2011)
09/12/2011	<u>109</u>	ORDER granting <u>104</u> Motion for Extension of Time to file Joint Pretrial Stipulation, Proposed Jury Instructions and Motions in Limine until 10/10/11. Signed by Judge Kathleen M. Williams on 9/12/2011. (lh) (Entered: 09/12/2011)
09/14/2011	<u>110</u>	RESPONSE to Motion re <u>106</u> MOTION to Stay <i>Not Dismiss Case</i> filed by Advance Stores Company, Inc.. Replies due by 9/26/2011. (Schwartzman, Emmet) (Entered: 09/14/2011)
09/19/2011	<u>111</u>	NOTICE by Advance Stores Company, Inc. of <i>Plaintiff's Failure to File Objections to Report and Recommendation</i> (Schwartzman, Emmet) (Entered: 09/19/2011)
09/22/2011	<u>112</u>	MOTION for Response of Summary Judgment by Pretrella Murray. (yha) (Entered: 09/22/2011)
09/27/2011	<u>113</u>	RESPONSE to Motion re <u>112</u> MOTION for Response of Summary Judgment filed by Advance Stores Company, Inc.. Replies due by 10/7/2011. (Schwartzman, Emmet) (Entered: 09/27/2011)
09/27/2011	114	REPLY to Response to Motion re <u>75</u> Defendant's MOTION for Summary Judgment filed by Advance Stores Company, Inc. See image at DE <u>113</u> (lk) (Entered: 09/27/2011)
09/27/2011	115	Clerks Notice to Filer re <u>113</u> Response to Motion. Two or More Document Events Filed as One ; ERROR - Only one event was selected by the Filer but more than one event was applicable to the document filed. The docket entry was corrected by the Clerk See DE 114 . It is not necessary to refile this document but in the future, the Filer must select all applicable events. (lk) (Entered: 09/27/2011)
10/04/2011	<u>116</u>	MOTION of Supported Evidence by Pretrella Murray. (yha) (Entered: 10/04/2011)
10/05/2011	<u>117</u>	SCHEDULING ORDER Trial set for 12/19/2011 before Judge Kathleen M. Williams. Calendar Call set for 12/13/2011 11:00 AM in Miami Division before Judge Kathleen M. Williams. Miscellaneous Deadline: Proposed Jury

		Instructions due 11/18/2011, In Limine Motions due by 11/18/2011, Pretrial Stipulation due by 11/18/2011. Signed by Judge Kathleen M. Williams on 10/5/2011. (jh) (Entered: 10/05/2011)
10/07/2011	<u>118</u>	RESPONSE to Motion re <u>116</u> MOTION of Supported Evidence filed by Advance Stores Company, Inc.. Replies due by 10/17/2011. (Schwartzman, Emmet) (Entered: 10/07/2011)
10/26/2011	<u>119</u>	MOTION for Sanctions on Defendant by Pretrella Murray. (jua) (Entered: 10/27/2011)
10/26/2011	<u>120</u>	MOTION to Grant Evidence/Witness by Pretrella Murray. (jua) (Entered: 10/27/2011)
11/09/2011	<u>121</u>	RESPONSE to Motion re <u>119</u> MOTION for Sanctions filed by Advance Stores Company, Inc.. Replies due by 11/21/2011. (Attachments: # <u>1</u> Exhibit) (Schwartzman, Emmet) (Entered: 11/09/2011)
11/09/2011	<u>122</u>	RESPONSE to Motion re <u>120</u> MOTION to Grant Evidence/Witness filed by Advance Stores Company, Inc.. Replies due by 11/21/2011. (Schwartzman, Emmet) (Entered: 11/09/2011)
11/14/2011	<u>123</u>	Defendant's MOTION for Extension of Time to File Joint Pretrial Stipulation, Proposed Jury Instructions and Motions in Limine by Advance Stores Company, Inc.. Responses due by 12/1/2011 (Attachments: # <u>1</u> Text of Proposed Order)(Schwartzman, Emmet) (Entered: 11/14/2011)
11/15/2011	<u>124</u>	ORDER granting <u>123</u> Renewed Motion for Extension of Time to File Joint Pretrial Stipulation, Proposed Jury Instructions and Motions in Limine.. Signed by Judge Kathleen M. Williams on 11/14/2011. (tp) (Entered: 11/15/2011)
11/22/2011	<u>125</u>	MOTION for Summary Judgment to be Set Aside/Vacate by Pretrella Murray. (lh) (Entered: 11/22/2011)
11/30/2011	<u>126</u>	REPORT AND RECOMMENDATIONS recommending denial of <u>75</u> Defendant's Motion for Summary Judgment filed by Advance Stores Company. Objections to R&R due by 12/19/2011. Signed by Magistrate Judge Andrea M. Simonton on 11/30/2011. (par) (Entered: 11/30/2011)
12/02/2011	<u>127</u>	MOTION for Subpoenas/Report and Recommendation by Pretrella Murray. (lh) (Entered: 12/02/2011)
12/06/2011	<u>128</u>	RESPONSE to Motion re <u>125</u> MOTION for Summary Judgment filed by Advance Stores Company, Inc.. Replies due by 12/16/2011. (Schwartzman, Emmet) (Entered: 12/06/2011)
12/12/2011	<u>129</u>	NOTICE by Advance Stores Company, Inc. of <i>Filing Plaintiff's Supplemental Answers to Defendant's Interrogatories</i> (Schwartzman, Emmet) (Entered: 12/12/2011)
12/12/2011	<u>130</u>	Defendant's OBJECTION of Magistrate Judge <u>126</u> REPORT AND RECOMMENDATIONS re <u>75</u> Defendant's MOTION for Summary Judgment filed by Advance Stores Company, Inc. Recommending Denying

		Motion for Summary Final Judgment. to District Court (Attachments: # <u>1</u> Exhibit A)(Schwartzman, Emmet) (Entered: 12/12/2011)
12/12/2011	<u>131</u>	NOTICE of Filing Discovery: Supplemental Answers to Defendant's Interrogatories by Advance Stores Company, Inc. See image at DE <u>129</u> (lk) (Entered: 12/13/2011)
12/13/2011	<u>132</u>	Clerks Notice to Filer re <u>129</u> Notice (Other). Wrong Event Selected; ERROR - The Filer selected the wrong event. The document was re-docketed by the Clerk, see [de#131]. It is not necessary to refile this document. (lk) (Entered: 12/13/2011)
12/13/2011	<u>133</u>	NOTICE by Advance Stores Company, Inc. of <i>Filing Corrected Objection to Report and Recommendation Re: Defendant's Motion for Summary Judgment</i> (Schwartzman, Emmet) (Entered: 12/13/2011)
12/13/2011	<u>134</u>	Notice of Filing CORRECTED OBJECTIONS to <u>126</u> Report and Recommendations by Advance Stores Company, Inc. See DE <u>133</u> for image (tp) (Entered: 12/14/2011)
12/14/2011	<u>135</u>	Clerks Notice to Filer re <u>133</u> Notice (Other). Wrong Event Selected; ERROR - The Filer selected the wrong event. The document was re-docketed by the Clerk, see [de#134]. It is not necessary to refile this document. (tp) (Entered: 12/14/2011)
12/15/2011	<u>136</u>	Defendant's MOTION For District Judge to Accept, Reject or Modify Recommended Disposition that Case Be Dismissed as a Sanction by Advance Stores Company, Inc.. (Schwartzman, Emmet) (Entered: 12/15/2011)
12/15/2011	<u>137</u>	RESPONSE to Motion re <u>127</u> MOTION to Produce <i>Response to Report and Grant Recommendation</i> filed by Advance Stores Company, Inc.. Replies due by 12/27/2011. (Schwartzman, Emmet) (Entered: 12/15/2011)
12/15/2011	<u>138</u>	MOTION of Evidence to Support Judges Ruling by Pretrella Murray. (jc) (Entered: 12/16/2011)
02/03/2012	<u>139</u>	MOTION for New Trial Date by Pretrella Murray. (jua) (Entered: 02/03/2012)

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