

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:25-cv-20097-KMM**

Zoghaib v. Societe Generale De Banque Au Liban et al
Assigned to: Judge K. Michael Moore
Referred to: Magistrate Judge Marty Fulgueira Elfenbein
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 01/07/2025
Jury Demand: Plaintiff
Nature of Suit: 140 Negotiable Instrument
Jurisdiction: Diversity

Plaintiff**Joseph C. Zoghaib**

represented by **Joseph C. Zoghaib**
12729 SW 211th Street
Miami, FL 33177
305-360-4117
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PRO SE

V.

Defendant**Societe Generale De Banque Au Liban****Defendant****Banque Du Liban**

Date Filed	#	Docket Text
05/13/2025	20	<p>PAPERLESS ORDER ADOPTING 16 REPORT AND RECOMMENDATION. THIS CAUSE is before the Court upon the Report and Recommendation ("R&R") issued by United States Magistrate Judge Marty Fulgueira Elfenbein. Therein, Magistrate Judge Elfenbein recommends that the Court grant Plaintiff's Motion for Referral to Volunteer Attorney Program. Neither party has objected to the R&R and the time to do has passed.</p> <p>Accordingly, UPON CONSIDERATION of the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Report and Recommendation 16 is ADOPTED and Plaintiff's Motion for Referral to Volunteer Attorney Program 4 is GRANTED. Signed by Judge K. Michael Moore on 5/13/2025. (dp01) (Entered: 05/13/2025)</p>
05/06/2025	19	Summons Issued as to Societe Generale De Banque Au Liban. (ls) (Entered: 05/06/2025)
05/01/2025	18	Summons Issued for Service Abroad as to Banque Du Liban, (ls) (Entered: 05/01/2025)

05/01/2025	17	Summons Issued as to Societe Generale De Banque Au Liban. (ls) (Entered: 05/01/2025)
04/28/2025	16	REPORT AND RECOMMENDATIONS re 4 MOTION for Referral to Volunteer Attorney Program filed by Joseph C. Zoghaib. Recommending Request be Granted.. Objections to R&R due by 5/12/2025. Signed by Magistrate Judge Marty Fulgueira Elfenbein on 4/28/2025. <i>See attached document for full details.</i> (ls) (Entered: 04/29/2025)
04/28/2025	15	<p>PAPERLESS ORDER on Plaintiff's Application to Proceed <i>In Forma Pauperis</i> and Motion to Expedite. THIS CAUSE is before the Court on <i>Pro se</i> Plaintiff Joseph C. Zoghaib's Application to Proceed <i>In Forma Pauperis</i> (the "Application"), ECF No. 3 , and his Motion to Expedite (the "Motion"), ECF No. 14 . In the Application, Plaintiff explains that he qualifies for <i>in forma pauperis</i> ("IFP") status for the following reasons: he is 59 years old; he has been unemployed for four years; he is currently a fulltime student whose income consists of public assistance and student loans; he has \$200 in the bank and a car worth \$2500; he has two children with autism under the age of 5, and his monthly expenses exceed his monthly income. <i>See</i> ECF No. 3 at 2-5.</p> <p>Under 28 U.S.C. § 1915, the Court "may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such" person "possesses that the person is unable to pay such fees or give security therefor." <i>See</i> 28 U.S.C. § 1915(a)(1). "When considering a motion filed pursuant to § 1915(a), the only determination to be made by the court is whether the statements in the affidavit satisfy the requirement of poverty." <i>Martinez v. Kristi Kleaners, Inc.</i>, 364 F.3d 1305, 1307 (11th Cir. 2004) (alterations adopted, quotation marks and footnote omitted). "Where the IFP affidavit is sufficient on its face to demonstrate economic eligibility, the court should first docket the case and then proceed to the question of whether the asserted claim is frivolous." <i>Id.</i> (alterations adopted).</p> <p>After reviewing Plaintiff's IFP affidavit, ECF No. 3 , the Court concludes that it is sufficient on its face to demonstrate economic eligibility, so Plaintiff qualifies for indigent status in this civil action. <i>See Martinez</i>, 364 F.3d at 1307. Proceeding to the question of whether Plaintiff's asserted claims are frivolous, the Court concludes that they are not. A claim is frivolous if it "realistically has no better than a slight chance of success" or "lacks an arguable basis" in law or "in fact, for example, [by] asserting fantastic facts." <i>Clark v. State of Ga. Pardons & Paroles Bd.</i>, 915 F.2d 636, 640 n.1 (11th Cir. 1990). Plaintiff's Complaint suffers from neither of these deficiencies. <i>See generally</i> ECF No. 1 . Instead, the Complaint adequately alleges plausible facts tending to establish each element of each of his claims for relief. <i>See generally</i> ECF No. 1 . For that reason, Plaintiff's Complaint is not obviously and facially frivolous, <i>see</i> 28 U.S.C. § 1915(e)(2)(i), nor does it fail to state a claim on which relief may be granted," <i>see id.</i> § 1915(e)(2)(ii). It also does not seek monetary relief against a defendant who is clearly immune from such relief. <i>See id.</i> § 1915(e)(2)(iii). As a result, the Court finds that Plaintiff's Complaint is sufficient to survive the screening required by 28 U.S.C. § 1915(e) and is not subject to dismissal at this stage.</p> <p>Accordingly, the Application, ECF No. 3 , is GRANTED. Plaintiff may proceed IFP in this action. Plaintiff shall provide the Clerk of Court with his proposed</p>

		Summonses no later than May 6, 2025 . The Court DIRECTS the U.S. Marshal to serve the Summons and Complaint on Defendant, as provided in 28 U.S.C. § 1915(d). <i>See id.</i> § 1915(d) ("The officers of the court shall issue and serve all process, and perform all duties in such cases."). And because the Motion sought to expedite the Court's consideration of Plaintiff's Application, <i>see</i> ECF No. 14 , and the Court has now ruled on the Application, the Motion, ECF No. 14 , is DENIED AS MOOT . Signed by Magistrate Judge Marty Fulgueira Elfenbein on 4/28/2025. (MFE) (Entered: 04/28/2025)
04/24/2025	14	MOTION TO EXPEDITE by Joseph C. Zoghaib. (ksr) (Entered: 04/24/2025)
03/03/2025	13	ORDER PROVIDING INSTRUCTIONS TO PRO SE LITIGANT. Signed by Magistrate Judge Marty Fulgueira Elfenbein on 3/3/2025. <i>See attached document for full details.</i> (ls) (Entered: 03/03/2025)
03/03/2025	12	ORDER Setting Discovery Procedures. Signed by Magistrate Judge Marty Fulgueira Elfenbein on 3/3/2025. <i>See attached document for full details.</i> (ls) (Entered: 03/03/2025)
03/03/2025	11	PAPERLESS ORDER on Plaintiff's Motion to Expedite. THIS CAUSE is before the Court on <i>Pro se</i> Plaintiff Joseph C. Zoghaib's Motion to Expedite (the "Motion"), ECF No. 10 . In the Motion, Plaintiff asks the Court to "expedite the consideration of his Motion to Waive Court Fees." <i>See</i> ECF No. 10 at 1. Although Local Rule 7.1(d) (2) allows a party who "requires an expedited ruling by a date certain" to ask for that relief, the Motion does not contain "the date by which an expedited ruling is needed and the reason the ruling is needed by the stated date." <i>See</i> S.D. Fla. L.R. 7.1(d)(2); ECF No. 10 . After reviewing the information and argument the Motion does include, the Court does not find good cause to expedite. Accordingly, the Motion, ECF No. 10 , is DENIED . The Court will issue its Report and Recommendation on the pending motion in due course. Signed by Magistrate Judge Marty Fulgueira Elfenbein on 3/3/2025. (MFE) (Entered: 03/03/2025)
01/27/2025	10	MOTION to Expedite by Joseph C. Zoghaib. (ls) (Entered: 01/27/2025)
01/16/2025	9	Consent by Pro Se Litigant (Non-Prisoner) Joseph C. Zoghaib to receive Notices of Electronic Filing at email address: domestica.jose@yahoo.com (ls) (Entered: 01/16/2025)
01/14/2025	8	NOTICE of Filing Evidence-Dishonored Check and Compliments by Joseph C. Zoghaib re 1 Complaint (ls) (Entered: 01/14/2025)
01/09/2025	7	CASE REFERRED to Magistrate Judge Marty Fulgueira Elfenbein. (ls)(per DE #6) (Entered: 01/09/2025)
01/09/2025	6	PAPERLESS ORDER REFERRING CASE. PURSUANT to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above-captioned cause is hereby referred to Magistrate Judge Marty Fulgueira Elfenbein to take all necessary and proper action as required by law regarding all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. Signed by Judge K. Michael Moore on 1/9/2025. (dp01) (Entered: 01/09/2025)
01/09/2025	5	PAPERLESS PRETRIAL ORDER. This order has been entered upon the filing of the complaint. Plaintiff's counsel is hereby ORDERED to forward to all defendants, upon receipt of a responsive pleading, a copy of this Order. It is further ORDERED that S.D. Fla. L.R. 16.1 shall apply to this case and the parties shall hold a scheduling

conference no later than twenty (20) days after the filing of the first responsive pleading by the last responding defendant, or within sixty (60) days after the filing of the complaint, whichever occurs first. However, if all defendants have not been served by the expiration of this deadline, Plaintiff shall move for an enlargement of time to hold the scheduling conference, not to exceed 90 days from the filing of the Complaint. Within ten (10) days of the scheduling conference, counsel shall file a joint scheduling report. Failure of counsel to file a joint scheduling report within the deadlines set forth above may result in dismissal, default, and the imposition of other sanctions including attorney's fees and costs. The parties should note that the time period for filing a joint scheduling report is not tolled by the filing of any other pleading, such as an amended complaint or Rule 12 motion. The scheduling conference may be held via telephone. At the conference, the parties shall comply with the following agenda that the Court adopts from S.D. Fla. L.R. 16.1: (1) Documents (S.D. Fla. L.R. 16.1.B.1 and 2) - The parties shall determine the procedure for exchanging a copy of, or a description by category and location of, all documents and other evidence that is reasonably available and that a party expects to offer or may offer if the need arises. Fed. R. Civ. P. 26(a)(1)(B). (a) Documents include computations of the nature and extent of any category of damages claimed by the disclosing party unless the computations are privileged or otherwise protected from disclosure. Fed. R. Civ. P. 26(a)(1)(C). (b) Documents include insurance agreements which may be at issue with the satisfaction of the judgment. Fed. R. Civ. P. 26(a)(1)(D). (2) List of Witnesses - The parties shall exchange the name, address and telephone number of each individual known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. Fed. R. Civ. P. 26(a)(1)(A). The parties have a continuing obligation to disclose this information. (3) Discussions and Deadlines (S.D. Fla. L.R. 16.1.B.2) - The parties shall discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case. Failure to comply with this Order or to exchange the information listed above may result in sanctions and/or the exclusion of documents or witnesses at the time of trial. S.D. Fla. L.R. 16.1.I.

The parties are hereby on notice that this Court requires all filings to be formatted in 12 point Times New Roman font and double spaced, including any footnotes, with one inch margins on all sides. Failure to follow these formatting guidelines may result in the filing being stricken, any opposing filing being granted by default, and the imposition of other sanctions, including attorney's fees and costs. **Multiple Plaintiffs or Defendants shall file joint motions with co-parties unless there are clear conflicts of position.** If conflicts of position exist, parties shall explain the conflicts in their separate motions. Failure to comply with ANY of these procedures may result in the imposition of appropriate sanctions, including but not limited to, the striking of the motion or dismissal of this action. **The parties shall seek extensions of time in a timely fashion.** "A motion for extension of time is not self-executing.... Yet, by filing these motions on or near the last day, and then sitting idle pending the Court's disposition of the motion, parties essentially grant their own motion. The Court will not condone this." *Compere v. Nusret Miami, LLC*, 2020 WL 2844888, at *2 (S.D. Fla. May 7, 2020) (internal citations omitted).

Pursuant to Administrative Order 2016-70 of the Southern District of Florida and consistent with the Court of Appeals for the Eleventh Circuit's Local Rules and Internal Operating Procedures, within three (3) days of the conclusion of a trial or other proceeding, parties must file via CM/ECF electronic versions of documentary

		<p>exhibits admitted into evidence, including photographs of non-documentary physical exhibits. The Parties are directed to comply with each of the requirements set forth in Administrative Order 2016-70 unless directed otherwise by the Court.</p> <p><u>Telephonic appearances are not permitted for any purpose. Upon reaching a settlement in this matter the parties are instructed to notify the Court by telephone and to file a Notice of Settlement within twenty-four (24) hours.</u></p> <p>Signed by Judge K. Michael Moore on 1/9/2025. (dp01) (Entered: 01/09/2025)</p>
01/07/2025	4	MOTION for Referral to Volunteer Attorney Program by Zoghaib Joseph. (jas) (Entered: 01/08/2025)
01/07/2025	3	MOTION for Leave to Proceed in forma pauperis by Zoghaib Joseph. (jas) (Entered: 01/08/2025)
01/07/2025	2	<p>Clerks Notice of Judge Assignment to Judge K. Michael Moore.</p> <p>Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Marty Fulgueira Elfenbein is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent.</p> <p>Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (jas) (Entered: 01/08/2025)</p>
01/07/2025	1	COMPLAINT against Banque Du Liban, Societe Generale De Banque Au Liban. Filing fees \$405.00. IFP Filed, filed by Zoghaib Joseph. (Attachments: # 1 Civil Cover Sheet)(jas) (Entered: 01/08/2025)