

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

DENNIS L. MONTGOMERY

Plaintiff,

v.

JAMES RISEN, ET AL.,

Defendants.

Civil Action No. 1:15-cv-20782-JEM

PLAINTIFF'S MOTION TO RESET HEARING OF JANUARY 5, 2015

Plaintiff Dennis Montgomery hereby respectfully moves to reset the hearing currently set for January 5, 2015 before the Honorable Jonathan Goodman and as grounds therefor would show:

1. On December 8, 2015, Magistrate Judge Jonathan Goodman issued an order scheduling a hearing on Defendants' Spoliation Sanctions Motion on January 5, 2015 at 2:00pm in the Miami Division. *See* Docket No. 191.
2. Plaintiff's counsel was scheduled to be located on the west coast for business at the time the hearing is currently scheduled for and it would cause added expense to Plaintiff and a rearrangement of counsel's scheduled commitments for him to travel to Miami for this hearing on this date.
3. Plaintiff's counsel thus respectfully requests that the hearing be reset for the following week, as Plaintiff's counsel will be back in Florida during that time. The parties have a mediation in this case scheduled for January 13, 2015, and Plaintiff's counsel must attend a deposition in an unrelated matter on January 15, 2015. Thus, Plaintiff's counsel respectfully requests

that the hearing be reset for any time on either January 12, 2015 or January 14, 2015, or whatever other date the Magistrate Judge finds suitable.

4. Neither party will be prejudiced as a result of the resetting of this hearing until the following week.
5. Defendants have indicated that they do not consent to this motion to reset the hearing date.

WHEREFORE, Plaintiff respectfully requests that the hearing currently set for January 5, 2015 before the Honorable Jonathan Goodman be reset until the following week, on either January 12, 2015, or January 14, 2015 or another date the Magistrate Judge finds suitable.

Dated: December 9, 2015

Respectfully submitted,

/s/ Larry Klayman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2015, a true and correct copy of the foregoing was filed and served via CM/ECF upon the following:

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[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion to Reset Hearing of January 5, 2015, the Court, having considered same, and all papers and argument in connection therewith, finds as follows:

IT IS HEREBY:

ORDERED: that the Motion to Reset Hearing of January 5, 2015 is hereby **GRANTED**.

The hearing on Defendants' Spoliation Sanctions Motion will be heard the following week, on

_____ at _____ am/pm.

Entered this _____ day of _____, 2015.

SO ORDERED,

Hon. Jonathan Goodman
United States Magistrate Judge

