

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FT. MYERS DIVISION**

**CASE NO. 2:06-cv-444-FtM-34SPC**

**CHRISTIAN F. MEISTER,**

**Plaintiff,**

**v.**

**MIKE SCOTT in his official capacity as Sheriff of Lee County, Florida; MIKE SCOTT in his individual capacity as Sheriff of Lee County, Florida; DON HUNTER in his official capacity as Sheriff of Collier County, Florida; each of J.J. CARROLL, RICHARD SNYDER, RYAN JUSTHAM, STEPHAN PIERCE, GENE SIMS, PEDRO J. SOTO, MIKE JOHNSTON, each of the foregoing, jointly and severally,**

**Defendants.**

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**PLAINTIFF'S MOTION TO STRIKE ALL DEFENDANT(S)' MOTIONS FOR SUMMARY JUDGMENT, as herein specified**

**OPPOSED PLAINTIFF'S MOTION TO STAY THIS LITIGATION FOR A PERIOD OF SIX MONTHS, as herein specified**

**OPPOSED PLAINTIFF'S MOTION FOR AN ENLARGEMENT OF TIME, as herein specified**

**PLAINTIFF'S MOTION TO APPOINT AN ATTORNEY, as herein specified**

**OPPOSED PLAINTIFF'S MOTION TO ORDER ALL DEFENDANTS TO RELEASE ANY AND ALL DEPOSITION TRANSCRIPTS AT NO CHARGE TO THE PLAINTIFF, as herein specified**

COMES NOW the Plaintiff CHRISTIAN MEISTER, proceeding Pro Se (hereinafter "MEISTER"), and hereby files (1) PLAINTIFF'S MOTION TO STRIKE ALL DEFENDANT (S)' MOTIONS FOR SUMMARY JUDGMENT, as herein specified, (2) OPPOSED

PLAINTIFF'S MOTION TO STAY THIS LITIGATION FOR A PERIOD OF SIX MONTHS, as herein specified, (3) OPPOSED PLAINTIFF'S MOTION FOR AN ENLARGEMENT OF TIME, as herein specified, (4) PLAINTIFF'S MOTION TO APPOINT AN ATTORNEY, as herein specified, and (5) OPPOSED PLAINTIFF'S MOTION TO ORDER ALL DEFENDANTS TO RELEASE ANY AND ALL DEPOSITION TRANSCRIPTS AT NO CHARGE TO THE PLAINTIFF, as herein specified, and states as follows:

1. This Court Granted Plaintiff's previous Motion in which the Plaintiff requested a Motion for an enlargement of time in which to file a response to all Defendant(s) Motions for Summary Judgment, up to and including May 23, 2008.

2. Additionally, before this Court for review is PLAINTIFF'S MOTION (signed and mailed by Plaintiff on April 23, 2008) FOR REVIEW OF MAGISTRATE'S ORDER ON APRIL 18, 2008, RE PLAINTIFF'S MOTION TO ORDER DEFENDANTS TO SERVE PLAINTIFF WITH DEFENDANTS' MOTIONS TO COMPEL PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE OR IN THE ALTERNATE TO ORDER DEFENDANTS TO SHOW CAUSE WHY DEFENDANTS MOTIONS WERE NOT SERVED PURSUANT TO RULES, (DOC. #149), AND PLAINTIFF'S MOTION TO VACATE AND/OR SET ASIDE MAGISTRATE'S ORDERS ON MARCH 7, 2008, AND MARCH 10, 2008, RE DEFENDANT (S)' MOTIONS TO COMPEL DISCOVERY RESPONSES (DOC. #141, 142, 143, 144, 145, AND 146), hereinafter "Motion for Review and Motion to Vacate."

3. (3) Meanwhile, Plaintiff has completed and served (signed and mailed by Plaintiff on date May 12, 2008), PLAINTIFF'S NOTICE OF SERVICE OF PLAINTIFF'S RESPONSES AND OBJECTIONS TO INTERROGATORIES PROPOUNDED BY DEFENDANT RICHARD **SNYDER** RE COURT'S ORDER DATED MARCH 7, 2008, RE DEFENDANT

RICHARD SNYDER'S MOTION TO COMPEL DISCOVERY RESPONSES (DOC. #136).

4. As such, the pending issues outlined in Plaintiff's Motion for Review and Motion to Vacate only pertain, at this time, to Magistrate's Order re Doc. #141, 142, 144, 145, and 146. The issues concerning Doc. #143 (re Defendant Snyder) are resolved to the extent that Plaintiff has served Plaintiff's response and objections, as stated in paragraph 3.

5. Plaintiff further states that it has taken a large amount of time in order to prepare the Plaintiff's responses and objections to Defendant Snyder's Interrogatories; nevertheless, as a result of Plaintiff's diligent work efforts, Plaintiff, who is not a trained attorney, has been able to complete the rigorous tasks involved and has filed the documents, as stated.

6. Plaintiff, despite the fact that the warranted relief as requested by the Plaintiff in Plaintiff's Motion for Review and Motion to Vacate regarding the Orders (Doc. #141, 142, 144, 145, and 146) by the Magistrate are still pending before this Court, Plaintiff is continuing in his efforts to compile information and draft any necessary documents **in anticipation of this Court's order** re the Plaintiff's Motion for Review and Motion to Vacate.

7. As such, Plaintiff, who is not an attorney and who is proceeding Pro Se, has demonstrated good faith effort.

8. Plaintiff requests that all three of the Defendant(s)' Motions for Summary Judgment be **stricken in its entirety** in that this Court has not yet adjudicated the Plaintiff's Opposition to Defendant(s)' Motion to Dismiss the Plaintiff's Fifth Amended Complaint and that, as such, the Defendant(s)' Motions for Summary Judgment are premature.

9. Further, Plaintiff requests that all three of the Defendant(s)' Motions for Summary Judgment be stricken because the Defendants, in their Motions for Summary Judgment, attempt to negate Meister's disparate treatment claim (Defendants' Snyder ... Motion for Summary

Judgment, pg. 11) by referring to a prima facie case that is less favorable to the Plaintiff when a prima facie case that is more favorable to the Plaintiff is available **because the Plaintiff was qualified for the job** and in that the Plaintiff has ALREADY (emphasis added) argued the more favorable prima facie case in Plaintiff's response to the Defendant(s)' Motion to dismiss Plaintiff 5th Amended Complaint. Because the Plaintiff was qualified for the job, Plaintiff Meister does not need to make a showing that, per the Defendants' contention, "4) there is sufficient evidence to suggest a causal connection between the protected status and the disparate treatment" (Snyder's ... Motion for Summary Judgment, page 11), but, rather, Plaintiff Meister needs to show that "(4) [Meister] was . . . qualified for his position." **Avril v. Village South, Inc.**, 934 F.Supp. 412, 416 (S.D.Fla.1996). See also Plaintiff's response to Defendant(s) Motions to dismiss, page 23, [FN-0826].

10. The Defendant(s)' Motions are, as such, oppressive and harassing in that the Plaintiff has already argued the prima facie case in Plaintiff's response to Defendant(s) Motion to Dismiss Plaintiff's 5th Amended Complaint, and to require the Plaintiff--especially in that this Plaintiff is limited in his legal skills--to RE-ARGUE (emphasis added) the same and/or similar points, along with the other numerous arguments--especially in that the Plaintiff's complaint contains 154 counts--is oppressive, unduly burdensome, repetitive, time-consuming, and will result in a duplicative work effort. Plaintiff Meister therefore requests that this Court adjudicate first on the Defendant(s) Motions to dismiss the Plaintiff's Fifth Amended Complaint and strike all three of the Defendant(s) Motions for Summary Judgment in the interest of justice and efficiency.

11. Further, Plaintiff Meister requests that all three of the Defendant(s)' Motions for Summary Judgment be stricken because Plaintiff Meister was able to better articulate his position in Plaintiff's more recent work [FN-0219] in Plaintiff's response to Defendant(s) Motions to

dismiss Plaintiff's 5th Amended Complaint, and Plaintiff Meister is prejudiced because the Defendants have repeatedly referred to the earlier work by the Plaintiff which is inferior to the Plaintiff's more recent work, i.e., the Defendants have repeatedly referred to Plaintiff Meister's 5th Amended Complaint in their Motions for Summary Judgment which causes the Plaintiff to be unduly prejudiced. Secondly, Defendants have repeatedly referred to Plaintiff Meister's 5th Amended Complaint in their Motions for Summary Judgment rather than referring to Plaintiff's response to Defendant(s)' Motions to dismiss.

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[FN] Plaintiff Meister was able, over time, to improve his legal writing skills, and, therefore, Defendants should be required to refer only to those documents that contain the improved text-versions when both an improved version and an inferior version of work is presented.

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12. As such, in light of the better articulated response by Plaintiff Meister, the Plaintiff requests that the Defendants are premitted to refer only to the Plaintiff's response to the Defendant(s)' Motions to dismiss Plaintiff's 5th Amended Complaint and that the Defendants are not be permitted to refer to the 5th Amended Complaint.

13. Additionally, the Plaintiff should be permitted, after the Court's adjudication of Plaintiff's response to the Defendant(s)' Motions to Dismiss Plaintiff's 5th Amended Complaint, to amend the 5th Amended complaint to the extent necessary, and **ONLY THEN** (emphasis added) should the Defendants be permitted to file a motion for summary judgment in the interest of justice and efficiency.

14. Further, Plaintiff Meister requests that the Defendant(s)' Motions for Summary Judgment be stricken in that Summary Judgment is not appropriate at this time because genuine issues of material fact can be raised with more discovery. See **FRCP 56 (f); International Raw Materials, Ltd., v. Stauffer Chem. Co.**, 898 F.2d 946, 949 (3rd Cir. 1990) (A continuance to

better prepare an opposition to a motion for summary judgment is appropriate where a genuine issue of material fact could be raised with more discovery). See also **St. Paul Mercury Insurance Company v. Williamson**, 224 F.3d 425 (5th Cir. 2000) (Discovery must be completed or of no further benefit to the party being judged against).

15. In support of Plaintiff's Motion to strike, Plaintiff states that Plaintiff has filed several discovery Motions [FN-1922], but Plaintiff has not yet--although the Plaintiff was able to address, in part, just a very small number of the Defendant(s)' several responses and objections--had an opportunity to file the motions necessary in order to compel the production of the needed documents and/or interrogatories, the motions of which are critical to the favorable and just resolve of the Plaintiff's litigation. Plaintiff Meister did not have that opportunity since Meister has spent a considerably large amount of time in keeping up with the other numerous rigorous and time-consuming tasks of this litigation, and this is so because this Plaintiff's skills are limited because he is not a trained attorney. (The amount of time spent on drafting these other documents is evident by the quantity and quality of the documents that appear in the Court's docket). The Plaintiff's ability to legally craft these certain and required documents is limited. As such, the Defendant(s)' Motions for Summary Judgment are premature. See also **Martin Banks v. Mannoia**, 890 F.Supp.95 (N.D.N.Y. 1995); see **Resolution Trust Corp. v. Northridge Ass'n**, 22 F.3d 1198 (1st Cir. 1994) (where the motion is filed too early in the discovery process, or where the opposing party is in possession of essential facts for which discovery is necessary before the motion can be effectively opposed).

Additionally, as a separate argument, Plaintiff Meister requests that the Defendant(s)' Motions for Summary Judgment be stricken in their entirety because the Defendants have failed to provide the Plaintiff with the deposition transcripts to which the Defendants have referred to in

their Motions for Summary Judgment, the transcripts of which were filed with this Court but not provided to the Plaintiff.

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[FN-1922] Plaintiff's First Set of Request for Production of Documents to Defendant Soto (signed and mailed November 9, 2007);  
Plaintiff's First Set of Request for Production of Documents to Defendant Hunter in his official capacity (signed and mailed November 9, 2007);  
Plaintiff's First Set of Request for Production of Documents to Defendant Justham (signed and mailed August 22, 2007);  
Plaintiff's First Set of Request for Production of Documents to Defendant Snyder (signed and mailed August 22, 2007);  
Plaintiff's First Set of Request for Production of Documents to Defendant Carroll (signed and mailed October 1, 2007);  
Plaintiff's First Set of Request for Production of Documents to Defendant Scott in his official capacity (signed and mailed August 22, 2007);  
Plaintiff's First Set of Interrogatories to Defendant Soto (signed and mailed November 8, 2007);  
Plaintiff's First Set of Interrogatories to Defendant Hunter in his official capacity (signed and mailed November 9, 2007);  
Plaintiff's First Set of Interrogatories to Defendant Johnston (signed and mailed Nov. 8, 2007);  
Plaintiff's First Set of Interrogatories to Defendant Scott in his individual capacity (signed and mailed November 8, 2007);  
Plaintiff's First Set of Interrogatories to Defendant Carroll (signed and mailed November 8, 2007); and  
Plaintiff's First Set of Interrogatories to Defendant Snyder (signed and mailed Nov. 8, 2007).  
\* \* \*

16. In the alternative, in the event that this Court denies Plaintiff's Motion to Strike all Defendant(s)' Motions for Summary Judgment, Plaintiff requests that this Court Grant Plaintiff's **Motion to Stay** this Litigation **for a period of six (6) months**. The relief is warranted in that the stay would allow the Plaintiff to complete the required documents (as herein stated below) without any distraction of having to respond to any additional documents by the Defendants.

17. Alternatively, in the event that this Court denies Plaintiff's Motion to Stay this Litigation for a period of six (6) months, Plaintiff requests that, in light of the herein stated facts

and arguments, this Court Grants Plaintiff's Motion for an **Enlargement of Time**, as stated below.

18. Plaintiff states that, having assessed the current situation, including an assessment of all of the remaining tasks involved in which case Plaintiff Meister needs to frame a response to the Defendant(s)' Motions for Summary Judgment and, additionally, in which case Meister also anticipates that he needs to frame a response to the Defendant(s)' discovery requests (in anticipation of this Court's order re the Plaintiff's Motion for Review and Motion to Vacate), the anticipation of which Defendant(s)' discovery requests rests on the Judge's resolve of the Plaintiff's Motion for Review and Motion to Vacate (DOC. #141, 142, 143, 144, 145, AND 146), it has become evident that Plaintiff Meister **needs a substantially larger amount of time than previously anticipated** in order to file a response to the Defendant(s)' Motions for Summary Judgment and in order to file the anticipated responses and objections to the Defendant(s)' discovery requests [FN-0015]. This is so because this Plaintiff is not an attorney and Plaintiff Meister needs a larger amount of time in which to craft said responsive documents.

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[FN-0015] A response to the Defendant(s)' Motions for Summary Judgment requires the Plaintiff to craft an extensive amount of affidavits, obtain and comb through several deposition transcripts, analyze case law, and so on.

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19. Again, as he has before, in support of the requested relief, Plaintiff relies on the United States Constitution's Seventh Amendment and Fourteenth Amendment protections.

20. Plaintiff further states that Plaintiff Meister, proceeding Pro Se, in the past was capable of providing any of the required documents within the requested and approved amount of time. At that time, even though the Plaintiff is not a trained attorney, Plaintiff Meister had a base of knowledge sufficient in order to complete the previously required tasks. Plaintiff, throughout this

litigation, was able to obtain the additional knowledge necessary for Plaintiff to fairly effectively handle the demands of this litigation.

21. At this time, however, Plaintiff Meister cannot immediately frame a legal response to Defendant(s)' motions for Summary Judgment because the Plaintiff is lacking a base of knowledge sufficient concerning the tasks that are required in order to effectively frame a response to a motion for summary judgment.

22. Notwithstanding Plaintiff Meister's needs, the Defendants have been, in part, responsible for the delay of this cause of actions because they repeatedly have denied Plaintiff's Motions for the requested enlargements of time even though they know that this Plaintiff is not an attorney and is not trained to complete the certain documents within the time frame and manner promulgated by the Rules, the conduct of the Defendants' of which then forced the Plaintiff to research additional law and procedural law to the extent that it has garbled up a large portion of the time available to the Plaintiff, all of which which was necessary in order to obtain the necessary extensions of time that were needed in order to craft the necessary documents by the Plaintiff who is not trained as an attorney. Additionally, the Plaintiff's legal writing skills are limited because this Plaintiff is not a trained attorney. (This Motion is another example of the Plaintiff's time being needlessly usurped; Plaintiff Meister estimates that the amount of time it took to prepare the Instant several Motions took up in excess of 30 to 40 hours.).

23. Furthermore, the Defendants, by their conduct and otherwise, have repeatedly attempted to convince this Court that a Pro Se Plaintiff does not have the Constitutional right to proceed to trial if the Plaintiff cannot afford an attorney. However, they are mistaken in that the Seventh and Fourteenth Amendment of the United States Constitution expressly provide the right to a trial by jury and in that the Constitution expressly forbids any discriminatory conduct

regardless of whether a party can or cannot afford to hire an attorney.

24. This Plaintiff (Pro Se) has therefore no choice but to craft the Instant Motions all of which are necessary in order to secure Plaintiff's right to proceed to trial in order to address the various legal deprivations committed by the governmental entity LCSO and the Defendants.

25. Plaintiff also states that it is difficult for Plaintiff to foresee and/or estimate the time it takes to complete the Plaintiff's responses to the Defendant(s)'s Motions for Summary Judgment and to the outstanding discovery requests to the extent referred to above in that Plaintiff is not an attorney and, therefore, is not trained to foresee how long it will take to draft such a response (Plaintiff also provides this argument in the event that the Defendants attempt to defeat Meister's efforts by stating that the Plaintiff already requested an enlargement of time in order to frame a response to Defendant(s)' Motions for Summary Judgment and that the Court has already Granted one such enlargement of time up to and including May 23, 2008, and in the event that the Defendant(s) argue that, on the basis thereof, no other extensions are warranted).

26. Plaintiff states that he is capable of providing such documents, but he needs the herein requested relief in order to prepare them. Plaintiff, in the past, has produced documents but has been unable to follow the time lines promulgated by the Federal Rules of Civil Procedures because Plaintiff Meister lacks the legal training because he is not an attorney. Plaintiff Meister is being prejudiced by the lack of training, and the time lines promulgated by the Federal Rules of Civil Procedures are intended for attorneys. Plaintiff Meiser is crafting the required documents at his highest capacity. Meister is entitled to the Constitutional protections which guarantee the Plaintiff's right to proceed to trial regardless of whether the Plaintiff is presented by an attorney.

27. Plaintiff also states that the amount of time requested is reasonable, and that this Court ought to measure that amount of reasonableness by the quality of work Meister was capable of

producing within the previously Granted time frames, the time frames of which were orderly adhered to by this Plaintiff.

28. (28) Plaintiff hereby states that he will need a period of seven (7) month in which to complete the documents, as states as follows: First, Plaintiff needs a period of seven (7) additional months in order to complete all of the Defendant(s)' Motions for Summary Judgment. Secondly, Plaintiff needs a period of three (3) months in order to frame a response to all of the Defendant (s)' remaining discovery requests to the extent stated herein. It should be stated here for clarity that the first three (3) months would be used for the purpose of completing the responses and objections to all of the Defendant(s)' remaining discovery request to the herein stated extent and that the four (4) months following that period would be used for the purpose of completing the Plaintiff's response to the Defendant(s)' three Motions for Summary Judgment. Additionally, for clarity, it should also be stated here that Plaintiff Meister will need additional time in addition to the time frames stated herein in the event the Defendants or this Court assign any additional tasks in the form of filing or serving additional documents to which Meister has to frame a response. In essence, because Meister needs the required amount of time in order to complete the herein stated documents and no other, further documents, the Plaintiff's Motion to stay this litigation, if Granted by this Court, would ensure that this Plaintiff could continue in his work effort without any interference and without having to draft any additional work in response to any additonal Motions or other documents that are generated by the Defendants.

29. Plaintiff also states (and reiterates) that the requested amount of time are estimates; however, on the basis of this Pro Se Plaintiff's experience in this litigation, the herein requested amounts of time should be sufficient.

30. For the herein stated reasons, **as herein specified in pargraph 28**, Plaintiff requests

that this Court enlarge the time for a period of seven (7) months, up to and including December 22, 2008 (Monday).

31. For the herein stated reasons, **as herein specified in paragraph 28**, Plaintiff requests that this Court enlarge the time for a period of three (3) months, up to and including August 25, 2008 (Monday).

32. In the event that this Court denies [FN-1805] any of the Plaintiff's Instant Motions, Plaintiff, who is proceeding Pro Se, requests, in the alternative, that this Court **appoint the Plaintiff an attorney** for the just and speedy resolution of this cause of action.

[FN-1805] In other words: if this Court, within the context stated, is not willing to ensure the Plaintiff's Seventh and Fourteenth Amendment's constitutional protections by Granting any of the herein stated Instant Motions, the Plaintiff requests that this Court enforce the constitutional mandates--Plaintiff protected rights to equal protection in the constitutional sense and Plaintiff's protected right to a trial by jury--by assigning Plaintiff an attorney.

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33. As a SEPARATE and UNIQUE Motion (emphasis added), Plaintiff hereby also requests that this Court **appoint Plaintiff an attorney** in light of the anticipated further delay which is caused by the Defendants notorious refusals of Plaintiff's request for additional time in which to complete the necessary documents, the refusals of which have forced and will continue to force the Plaintiff to craft extensive and enormously time-consuming documents, and that the request for an appointment of such an attorney be Granted in the interest of justice and in order to bring this litigation to a speedy conclusion.

34. Furthermore, Plaintiff requests that this Court order all Defendants to **release any and all deposition transcripts in their possession** and provide them to the Plaintiff at no cost whatsoever. In support of Plaintiff's Motion, Plaintiff states that he **cannot afford to pay for the deposition transcripts** which are **necessary in order to resolve this litigation without severely**

**prejudicing the Plaintiff** [FN-2118].

35. In pertinent part, Plaintiff refers to the Seventh and the Fourteenth Amendment of the United States Constitution in support of his request, stating, again, that the Plaintiff is entitled to a trial by jury and to equal treatment in the constitutional sense and, in the event that Plaintiff is foreclosed his opportunity to review the deposition transcripts because he cannot afford to pay for them, Plaintiff Meister's rights will be severely prejudiced. In that the Defendants are represented by Counsel and in that the Defendants have access to the deposition transcripts and in that Plaintiff Meister is not represented by Counsel and in that the Plaintiff does not have access to the deposition transcripts because the Plaintiff cannot afford to pay for the transcripts, the denial of the Plaintiff's access under the herein stated circumstances resulting out of the denial of Plaintiff's Motion would constitute a denial of the Plaintiff's inalienable right to **equal treatment** in the constitutional sense and therefore be in violation of the Constitutional provisions. Plaintiff Meister has contacted Counsel Shearman and Counsel Pierro and requested that they provide the Plaintiff with the herein stated deposition transcripts. Counsel Shearman, however, stated that Meister should "pay [the court reporter] directly for the copy," or obtain from the court the deposition transcripts that were filed with the court. (Counsel Pierro stated that Counsel Shearman has filed said transcripts.) Plaintiff, however, as stated herein, cannot afford to pay for those transcripts that Counsel Shearman has filed with the Court. Moreover, this Plaintiff will need access to any and all deposition transcripts that the Defendants have in their possession and not only those transcripts that were filed by the Defendants with this Court. Therefore, Plaintiff requests that this Court Orders that the Defendants provide the Plaintiff with **any and all deposition transcripts that the Defendants have in their possession** and do so at no charge whatsoever to the Plaintiff).

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[FN-2118] This Court has Granted Plaintiff Meister's previously filed Motion to proceed In Forma Pauperis, in which case the fee for filing the complaint was waived. In support of the Instant Motion by Plaintiff Meister, who is proceeding Pro Se, Plaintiff states that his financial situation has not changed.

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36. In the alternative, in the event that this Court denies PLAINTIFF'S MOTION TO ORDER ALL DEFENDANTS TO RELEASE ANY AND ALL DEPOSITION TRANSCRIPTS AT NO CHARGE TO THE PLAINTIFF, Plaintiff Meister requests that this Court appoints Plaintiff Meister an attorney.

37. This Plaintiff also requests that this Court in its adjudication of any of the Instant Motions render a decision on the basis of Plaintiff's strong or stronger arguments and not on the basis of any of the Plaintiff's weak or weaker arguments that are presented by the Plaintiff when both the strong and the weak arguments are articulated in the same document in support of a certain motion because this Plaintiff, who is not an attorney, is not trained to craft the legally necessary arguments and documents in the same or similar manner (and quality) than this Court would (and can) expect them to be crafted by a trained attorney. In other words: This Court should not hone in on any weak or weaker arguments presented by the Plaintiff in the presence of any strong or stronger argument presented by the Plaintiff. Because Plaintiff Meister's legal skills are limited, a more lenient standard should be applied to the extent, as follows: The denial of Plaintiff's such request would result in a denial of Plaintiff's equal protection in the constitutional sense in that the Plaintiff is not an attorney and in that the Defendants are represented by an attorney--or several attorneys, to be precise--whereby the Defendants' attorneys are fully capable of providing the appropriate legal arguments when Plaintiff Meister, proceeding Pro Se, is not. Additionally, in support of Plaintiff's such request, any such denial would also foreclose the Plaintiff's Constitutionally protected right to a jury trial.

38. Relief is warranted in that the Plaintiff who is proceeding Pro Se is entitled to the same Constitutional protections than the Defendants who are represented by an attorney, i.e., the protections that are guaranteed by the Seventh and Fourteenth Amendment of the United States Constitution.

39. The Instant Motions are timely filed.

40. The undersigned certifies that the Instant Motions are not requested solely for the purpose of harassment or delay. Further, no party will be prejudiced by the Granting of the Instant Motions.

41. In the event that Plaintiff's Instant Motions are denied, Plaintiff's rights will be severely prejudiced.

42. **Local Rule 3.01(g) certification:** The undersigned has contacted Defendants' Counsel Mr. SHEARMAN'S office, and Counsel Shearman stated that he "oppose[s] any further extensions, stay's, or other delays." Also, Counsel Shearman stated that Meister should "pay [the court reporter] directly for the copy," or obtain from the court the deposition transcripts that were filed with the court.

43. **Local Rule 3.01(g) certification:** The undersigned has contacted Defendants' Counsel Mr. PIERRO'S office, and Counsel Pierro stated that he will "vehemently oppose any motion to stay or any further effort by you to delay the progress of this case." Counsel Pierro stated that Counsel Shearman has filed the deposition transcripts.

44. Any of Plaintiff's Arguments and Citations of Authority located in footnotes are fully incorporated herein.

### **MEMORANDUM OF LAW**

Plaintiff needs to obtain the herein stated relief because Plaintiff Meister, who is proceeding

Pro Se, is not capable of crafting a response to the Defendant(s)' documents within the time and manner prescribed in the Federal Rules of Civil Procedure in that the Plaintiff's skills are limited. The Plaintiff's skills are limited because Plaintiff Meister, who is proceeding Pro Se, is not a trained attorney and therefore lacks the skills in order to frame such a response within the prescribed limited time [FN-1051]. It takes the Pro Se Plaintiff a larger amount of time to complete the tasks which are required in order to complete the responses to the herein stated document(s).

[FN-1051] The Federal Rules of Civil Procedures were created in order to manage litigation. Said rules, however, were intended to provide a reasonable time frame in which a trained professional, by the virtue of his or her training, was actually (humanly) capable of crafting a certain document within the promulgated time frames. Moreover, the Federal Rules of Civil Procedure or any other such Rules were written by attorneys (and judges) for attorneys. In other words: Defendants through Counsel are trained to operate within the Rules, the Plaintiff is not.

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### **The Fourteenth Amendment of the United States Constitution**

Relief is warranted in that the Plaintiff who is proceeding Pro Se is entitled to frame a response to the Defendants' motions even though Plaintiff Meister, in that he is not a trained attorney, needs a larger amount of time in which to craft the documents. This is so because the United States Constitutions' Fourteenth Amendment Equal Protection Clause guarantees that all parties in an action of law be treated equally in an action of law, i.e., the Equal Protection Clause mandates that all parties in an action of law have an equal opportunity to bring or defend a lawsuit regardless of whether a party can or cannot afford to hire an attorney, i.e., the Equal Protection Clause mandates that all parties in an action of law have an equal opportunity to craft certain documents even though a plaintiff who is proceeding Pro Se requires an additional amount of time in order to craft such documents. The 14th Amendment states:

**"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of**

**life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."**

Plaintiff Meister is equally entitled to participate in this cause of action regardless of whether he is represented by an attorney. Meister is proceeding Pro Se because he cannot afford to hire an attorney. Meister, nevertheless, has the equal and inalienable right to litigate suit against the Defendants and craft the required documents even though Plaintiff needs an additional amount of time in which to complete the documents.

Furthermore, this Court not only has the broad discretionary power established by case law to Grant the Plaintiff's request for the needed extension of time but also has the legal obligation to take judicial action and step in in order to defend the Constitutional mandates of equal protection [FN-1001] and remedy the conflict especially in a case like this where the time frames promulgated by the Federal Rules of Civil Procedure conflict with the provisions of the Fourteenth Amendment's Equal Protection Clause.

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[FN-1001] Additionally, the framers of the Constitution did not intend to discriminate against parties who are proceeding without an attorney. The framers did not intend to place plaintiffs in an unequal position in the constitutional sense because they could not afford to hire an attorney.

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Moreover, this Court has the legal authority to remedy the conflict in that the Federal Rules of Civil Procedures are inferior to the provisions of the United States Constitution. Additionally, the Federal Rules of Civil Procedures are created and intended in order to manage pre-trial activities and bring litigation to a fair, just, and equal conclusion. See also **Rule 1.01(b) of the M.D. Fla. L.R.** (Local Rules “. . . shall be employed to provide fairness and simplicity in procedure . . . and to secure just . . . determination.”).

This Court has the legal authority to Grant Plaintiff's Instant Motions, as herein specified, in that to do otherwise is to give preferential and unequal treatment to the Defendants who can craft the required documents in the time and/or by the manner promulgated by the Rules because they, being that they are represented by an attorney, are capable of crafting the documents in the said amount of time and/or by the said manner and in that the Plaintiff is not capable of crafting the documents in the said amount of time and/or by the said manner in that he is not trained to do so. To do otherwise is to give preferential treatment to those who have the financial means to pay for the services of an attorney. In other words, the Plaintiff is entitled to the constitutional protections in that the Plaintiff is inherently situated in an unequal position from the onset because the Plaintiff is not trained to craft the documents in the same or similar amount of time than the Defendants can craft them and/or craft the documents in the same or similar manner because the Plaintiff is not trained to craft the documents within the time frames and/or by the manner proscribed by the Rules. It is the District Court's role as a gate keeper and as an enforcer of the constitutional mandates to level the playing field and to place the Plaintiff in an equal position in the constitutional sense by taking the Plaintiff and by placing him in a more equal position and/or in an equal position to the extent certainly possible.

### **The Seventh Amendment of the United States Constitution**

Furthermore, to deny the Plaintiff's Instant Motions as herein specified is to deny the Plaintiff his right to a trial and/or a trial by jury, adding that to deny the Plaintiff's right to a trial by jury is to inherently treat the Plaintiff unequally in a constitutional sense and in a manner which is prejudicial to the Plaintiff in that the Defendants through Counsel are capable of crafting certain documents within the time frame and/or by the manner promulgated in the Federal Rules of Civil Procedure when Plaintiff Meister cannot craft such documents within said such time and/or by the

said manner because he is not a trained attorney.

If the Plaintiff is denied the opportunity to a trial by jury in regard to any one of the Plaintiff's several causes of actions as a result of Plaintiff's failure to file the required document arising out of the denial by this Court of any of the Plaintiff's Instant Motions, as herein specified, the additional amount of time and/or by the manner herein stated of which enable the Plaintiff to craft and file the required document(s), Plaintiff Meister is denied his constitutionally guaranteed right to a trial by jury, and, as such, Plaintiff's rights would be severely prejudiced.

Regardless of whether a party in a litigation can or cannot afford to hire an attorney, each person, under the law, has the certain and inalienable right to litigate a cause of action. The Seventh Amendment of the United States Constitution specifically states that "[i]n Suits at common law . . . **the right of trial by jury shall be preserved** . . . ."

Furthermore, Rule 1.01(b) of the M.D. Fla. L.R. provides in pertinent part as follows:

**Local Rules “. . . shall be employed to provide fairness and simplicity in procedure . . . and to secure just . . . determination.”**

Rule 1.01(c) of the M.D. Fla. L.R. provides in pertinent part as follows:

**“The Court may suspend application and enforcement of these rules, in whole or in part, in the interests of justice in individual cases by written order.”**

Rule 6(b) of the Federal Rules of Civil Procedure provides in pertinent part as follows:

**When “. . . by these Rules or notice given there under or by order of court, an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order a period enlarged if request therefore is made before the expiration of the period originally prescribed . . . .”**

By its express terms, the quoted rule affords wide discretion to this Court to enlarge a time period established by the Rule or a Court Order. See Woods v. Allied Concord Financial Corp., 373 F.2d 733 (5<sup>th</sup> Cir. 1967); Yanofsky v. Wernick, 362 F.Supp. 1005 (S.D.N.Y. 1973);

Graham v. Brier, 418 F.Supp. 73 (S.D. Wis. 1976); *Moore's Federal Practice* sec. 608 (2d.Ed 1984). Rule 6 should be applied liberally "to secure the just . . . and inexpensive determination of every action." District Courts possess broad discretion to manage their cases. Chrysler Int'l v. Chenaly, 280 F.3d 1358, 1360 (11<sup>th</sup> Cir. 2002). This broad discretion encompasses the management of pre-trial activities. Id. Citing Johnson v. Bd. Of Regents of Univ. Georgia, 263 F.3d 1234, 1269 (11<sup>th</sup> Cir. 2001).

In this action, the interests of justice will be served by Granting the Plaintiff's Instant Motions, as herein specified, in order to complete the necessary tasks and to bring this lawsuit to a just conclusion. Relief is appropriate under the circumstances.

**WHEREFORE**, based upon the foregoing, Plaintiff MEISTER, proceeding Pro Se, hereby requests that this Court Grant (1) PLAINTIFF'S MOTION TO STRIKE ALL DEFENDANT(S)' MOTIONS FOR SUMMARY JUDGMENT, as herein specified, (2) PLAINTIFF'S MOTION TO STAY THIS LITIGATION FOR A PERIOD OF SIX MONTHS, as herein specified, (3) PLAINTIFF'S MOTION FOR AN ENLARGEMENT OF TIME by enlarging the time in which to frame the responses and objections to the Defendant(s)' discovery documents and the responses to the Defendant(s)' Motions for Summary Judgment by a period of seven (7) months, up to and including December 22, 2008, **as herein specified**, and, by enlarging the time in which to frame the responses and objections to the Defendant(s)' discovery documents by a period of three (3) months, up to and including August 25, 2008, **as herein specified**, (4) PLAINTIFF'S MOTION TO APPOINT AN ATTORNEY, **as herein specified**, and (5) PLAINTIFF'S MOTION TO ORDER ALL DEFENDANTS TO RELEASE ANY AND ALL DEPOSITION TRANSCRIPTS AT NO CHARGE TO THE PLAINTIFF, as herein specified, and such other and further relief as is deemed appropriate by this Court.

**RESPECTFULLY SUBMITTED,**

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**CHRISTIAN F. MEISTER, Pro Se**

**CHRISTIAN F. MEISTER**  
P.O. Box 60662  
Fort Myers, Florida 33906  
786-390-4985

Date: May 22 2008

**CERTIFICATE OF SERVICE**

I certify that a copy of the document has been served, by First Class, United States Mail, properly addressed and postage prepaid, to the following counsel of record: Robert C. Shearman, Post Office Box 280, Fort Myers, Florida 33902-0280; Richard M. Pierro, Mark E. Levitt, 324 S. Hyde Park Avenue, Suite 225 Tampa, Florida 33606-4127

Date: May 22 2008

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**CHRISTIAN F. MEISTER, Pro Se**

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