

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

William Ramirez v. TD Dans Corp. and Sergio Dans

Ramirez · No. 23-cv-20820-BLOOM/Elfenbein · Decided May 14, 2026

SUMMARY

The United States District Court for the Southern District of Florida denied William Ramirez’s motion under Federal Rule of Civil Procedure 60(b)(1) to vacate the dismissal without prejudice and reinstate the case. The court concluded that Ramirez failed to establish excusable neglect and that reinstatement would prejudice the defendants after repeated failures to comply with court orders and attend scheduled proceedings.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	May 14, 2026
DOCKET	23-cv-20820-BLOOM/Elfenbein
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(1) to vacate the Court's prior dismissal without prejudice and reinstate the case and pending settlement motion. Defendants opposed the motion.
STANDARD OF REVIEW	Equitable review under Federal Rule of Civil Procedure 60(b)(1), considering whether the movant demonstrated a meritorious defense, absence of prejudice to the opposing party, and a good reason for the default or failure to respond, together with the Pioneer totality-of-the-circumstances factors.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- civil procedure
- motion for reconsideration
- remedies
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- remedies

QUESTIONS PRESENTED

1. Whether Plaintiff established excusable neglect warranting relief from the prior dismissal under Federal Rule of Civil Procedure 60(b)(1).
2. Whether reinstating the action would prejudice Defendants.

HOLDINGS

1. Plaintiff failed to establish excusable neglect sufficient to vacate the dismissal without prejudice because he did not provide a good reason for failing to comply with the Court's orders or appear at the mediation and show-cause hearing.
2. Reinstating the case would prejudice Defendants because they had incurred unnecessary attorney's fees and costs and experienced prolonged uncertainty, disruption, and inability to obtain closure.

KEY QUOTATIONS

“Because Plaintiff has failed to establish a good reason for his failure to comply with this Court’s Orders and because the Defendants would be prejudiced, the Motion is denied.”

FACTUAL BACKGROUND

The Court had dismissed the action without prejudice after Plaintiff repeatedly failed to comply with court orders, failed to attend a scheduled mediation, and failed to attend a show-cause hearing. Plaintiff attributed the failures to counsel's sick parent and internal operational changes at counsel's firm. Defendants asserted that reinstatement would cause prejudice because they had incurred fees and costs and experienced continued uncertainty and disruption in business and litigation planning.

PROCEDURAL HISTORY

The Court dismissed the case without prejudice on July 8, 2025, because Plaintiff repeatedly failed to comply with court orders, failed to appear at a scheduled mediation, and failed to appear at a July 2, 2025 show-cause hearing. Approximately ten months later, Plaintiff moved to vacate the dismissal, asserting excusable neglect based on counsel's sick parent and internal changes at counsel's firm. The Court denied the motion, finding that Plaintiff failed to establish a good reason for the noncompliance and that reinstatement would prejudice Defendants.

DISPOSITION

other

CASES CITED

- Safari Programs, Inc. v. CollectA International Ltd., 686 F. App'x 737, 743-44 (11th Cir. 2017)
- In re Worldwide Web Systems, Inc., 328 F.3d 1291, 1295 (11th Cir. 2003)
- Pioneer Investment Services Co. v. Brunswick Associates Ltd., 507 U.S. 380, 395 (1993)
- Sream, Inc. v. Ecstasy Fashion II, Inc., No. 18-cv-61216, 2018 WL 10374693, at *1 (S.D. Fla. Sept. 19, 2018)

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