

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PRECEDENTIAL VALUE	nonprecedential district court order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)

OPINION

Ramirez

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

Case No. 23-cv-20820-BLOOM/Elfenbein

WILLIAM RAMIREZ,

Plaintiff, v.

TD DANS CORP.,

SERGIO DANS,

Defendants. _____/

ORDER ON MOTION TO VACATE

THIS CAUSE is before the Court upon Plaintiff William Ramirez' Motion to Vacate the Court's Order of Dismissal Without Prejudice ("Motion"), ECF No. [54]. Defendants filed a Response in Opposition ("Response"), ECF No. [55]. Plaintiff filed a Reply in Support ("Reply"), ECF No. [56]. The Court has reviewed the Motion, the supporting and opposing submissions, the record, and is otherwise fully advised. For the reasons that follow, the Motion is denied.

I. BACKGROUND

On July 8, 2025, this Court dismissed the above-styled case without prejudice because Plaintiff consistently failed to comply with the Court's Orders, failed to appear at the scheduled mediation, and failed to appear at the Show Cause hearing on July 2, 2025. ECF No. [51]. Ten months later, Plaintiff seeks to vacate the Order of Dismissal based on excusable neglect and requests that this Court reinstate the case and the pending settlement motion. ECF No. [54] at 5. Plaintiff states that at the time of his failure to appear and to respond, Plaintiff's counsel was dealing with a sick parent, and internal changes were occurring within counsel's firm which affected office operations and case management. Id. ¶¶ 13-14, 24. Plaintiff argues these extraneous circumstances constitute excusable neglect under Federal Rule of Civil Procedure 60(b)(1) and warrants relief. Id. ¶ 22.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 60(b)(1) states that the Court "may relieve a party or its legal representative from a final judgment, order, or proceeding for ... excusable neglect." Fed. R. Civ. P. 60(b)(1). The Court of Appeals for the Eleventh Circuit has stated that to establish grounds for relief under Rule 60(b)(1) "a defaulting party must show that: (1) it had a meritorious defense that might have affected the outcome; (2) granting the motion would not result in prejudice to the non-defaulting party; and (3) a good reason existed for failing to reply to the complaint." *Safari Programs, Inc. v. CollectA Int'l Ltd.*, 686 F. App'x 737, 743 (11th Cir. 2017) (quoting *In re Worldwide Web Sys., Inc.*, 328 F.3d 1291, 1295 (11th Cir. 2003)). Because "the determination of what constitutes excusable neglect is an equitable one, taking into account the totality of the circumstances surrounding the party's omission," courts also consider the four factors set out by

the United States Supreme Court in *Pioneer Investment Services Co. v. Brunswick Associates Ltd.*, including “the danger of prejudice to the [opposing party], the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith.” *Id.* at 743- 44 (quoting *Pioneer*, 507 U.S. 380, 395 (1993)); see also *Sream, Inc. v. Ecstasy Fashion II, Inc.*, No. 18-cv-61216, 2018 WL 10374693, at *1 (S.D. Fla. Sept. 19, 2018).

III. DISCUSSION

Plaintiff has failed to meet his burden in establishing excusable neglect. As Defendants point out, the record reflects “repeated disregard of court-ordered proceedings and a failure to prosecute.” ECF No. [55] ¶ 30. Plaintiff offers no explanation to the Court for why counsel’s sick parent or firm operations prevented counsel from addressing the Court as to why Plaintiff failed to Case No. 23-cv-20820-BLOOM/Elfenbein appear at the scheduled mediation or at the July 2, 2025 Show Cause hearing. Moreover, granting the Motion would prejudice Defendants who have already incurred unnecessary attorney’s fees and costs in preparing for the scheduled mediation and Show Cause hearing. As Defendants point out, “[b]eyond fees and costs, Plaintiff’s conduct has caused prolonged uncertainty, disruption of Defendants’ business and litigation planning, and continued inability to achieve closure in a case that Plaintiff [] repeatedly failed to prosecute.” *Jd.* § 38. 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.

IV. CONCLUSION

Accordingly, it is ORDERED AND ADJUDGED that Plaintiff’s Motion, ECF No. [54], is DENIED. DONE AND ORDERED in Chambers at Miami, Florida, on May 14, 2026.

UNITED STATES DISTRICT JUDGE

ce: counsel of record