

**SUPREME COURT OF THE UNITED STATES**

**OFFICE OF THE CLERK**

**WASHINGTON, DC 20543-001**

Case No: 19-10801

Division: USCA 11

Donna Montgomery

Plaintiff (s)

V.

Walgreen Co.

Defendant(s)

**MOTION TO:**

Direct the Clerk to File out-of-time, COMES NOW, Donna Montgomery and moves this Honorable Court for/to: File out of time Motion.

The following reasons:

Plaintiff miscalculated the due date for refiling. Calculated deadline as August 22, 2019

See attached synopsis of incident for consideration.

Certificate of Service

I HEREBY certify that a true and correct copy of the above has been furnished by U.S.

Mail/Hand delivered to, James Coleman, 612 E Colonial Drive, Suite 250, Orlando, FL 32203

this 7 day of 12, 2019.

12-7-2019

Date

9519 Norfolk Blvd  
Box 41 32208

Address

Donna Montgomery

Signature

904-708-2870

Contact Number

**RECEIVED**

**DEC 10 2019**

**OFFICE OF THE CLERK  
SUPREME COURT, U.S.**

On July 10, 2014, while on vacation in Orlando Florida I went to Walgreens at 8050 International Dr. to pick up a prescription for my mother. While in the store, shopping, I slipped on a wet surface and did a split. I was badly injured. This was the first time I asked for help. I spoke with the cashier at the front counter register, and told her what had just happened. She told me that I would have to follow her to the store manager. As I was following her to the store manager, I began to get dizzy, lightheaded was unable to speak. I found a seat in the photo area and sat down. I lost consciousness during that period. I'm not sure how long I was unconscious. My second time requesting assistance was when I regained consciousness. I asked the young lady who was attending to me, when she returned, if she would take my blood pressure, as I knew something was wrong. With the help of the cashier, I was able to walk to the back of the store where the two chairs were located in the pharmacy area. I informed the store manager that the basket struck my leg during the slip and fall. She put an ice pack on my leg. This was the third time I asked for help. While sitting in the pharmacy, the pharmacist came out with the blood pressure cuff and took my pressure. She shouted to the store manager to dial 911. While waiting for medical assistance from the 911 call that she reportedly made, no one ever came...we waited for nearly three hours. I found out later that they never called 911. I, then, left the store and drove myself back to my hotel, which was right across the street. After getting into my room, I found out that I was experiencing vaginal bleeding really badly. My daughter and sister had to traveled from Jacksonville Florida at this time. At this point, my mother and I both needed medical assistance.

My point to you is that I was seriously injured during the slip and fall incident. To date, I still suffer tremendously from the injuries that I sustained on that day. My life is no longer the same.

This case has been transferred from one court to another. All I'm asking you to do for me is what is right...to allow me to be treated as a human being. My entire life has been impacted by the negligence with which the accident and my case has been handled. As much as possible, I would like to avoid further court proceedings. My request is that a financial settlement be handled expeditiously and outside of the courtroom. I continue to receive treatment resulting from the accident and injuries sustained on July 10, 2014, with no foreseeable end in the near future.

The store at 8050 International Dr. was closed, then torn down after my accident inside of it.

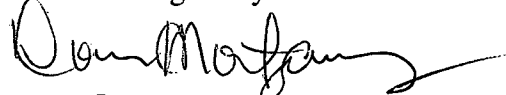
As you can see in the demand letter that was sent to Sedgwick Claim Management on March 27, 2015, Clam No: 30142457241-0001, the courts have my medical records from Shand's Hospital, St. Vincent Hospital, Mayo Clinic, and Orlando Regional Medical Center.

Now, I am pleading to the clerk of this court, would please help me, in seeing that my petition for writ be looked at carefully.

Thank you.

Yours truly,

Donna Montgomery



1-7-2019

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

May 22, 2019

Clerk - Middle District of Florida  
U.S. District Court  
401 W CENTRAL BLVD  
ORLANDO, FL 32801

Appeal Number: 19-10801-JJ  
Case Style: Donna Montgomery v. Walgreen Co.  
District Court Docket No: 6:17-cv-02040-GKS-DCI

The enclosed copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4. Pursuant to 11th Cir. R. 42-2(c) and 42-3(c), when an appellant fails to timely file or correct a brief or appendix, the appeal shall be treated as dismissed on the first business day following the due date. This appeal was treated as dismissed on 05/07/2019.

Counsel and pro se parties are advised that pursuant to Fed. R. App. P. 25(a)(2)(A), a motion to set aside the dismissal and remedy the default "is not timely unless the clerk receives the papers within the time fixed for filing."

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Tiffany Tucker, JJ  
Phone #: (404)335-6193

Enclosure(s)

DIS-2CIV Letter and Entry of Dismissal

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 19-10801-JJ

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DONNA MONTGOMERY,

Plaintiff - Appellant,

versus

WALGREEN CO.,  
a Foreign Profit Corporation,

Defendant - Appellee.

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Appeal from the United States District Court  
for the Middle District of Florida

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ENTRY OF DISMISSAL: Pursuant to the 11th Cir. R. 42-2(c), this appeal is DISMISSED for want of prosecution because the appellant Donna Montgomery failed to file an appendix within the time fixed by the rules, effective May 22, 2019.

DAVID J. SMITH  
Clerk of Court of the United States Court  
of Appeals for the Eleventh Circuit

by: Tiffany Tucker, JJ, Deputy Clerk

FOR THE COURT - BY DIRECTION

**Additional material  
from this filing is  
available in the  
Clerk's Office.**