

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-13968-J

JASON HUNTER BELL,

Plaintiff-Appellant,

versus

MACY'S CORP SERVICES/MACY'S WESTFIELD MALL BROWARD,
RAMOND C. VEGA, III,
individually,
SHARI RHODES,
individually

Defendants-Appellees.

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

Before: JORDAN, NEWSOM and BRASHER, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. Jason Hunter Bell, proceeding *pro se*, appeals from the district court's October 13, 2020 order (1) denying without prejudice the motion to compel arbitration and dismiss his complaint filed by Macy's Corp. Services/Macy's Westfield Mall Broward, Ramond C. Vega, III, and Shari Rhodes; and (2) scheduling a bench trial for the limited purpose of determining whether Bell had opted out of an arbitration agreement. The order is not final or otherwise appealable, except to the extent that the district

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RAMOND C. VEGA, III,
individually,
SHARI RHODES,
individually

Defendants-Appellees.

Appeal from the United States District Court for the
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Before: JORDAN, NEWSOM and BRASHER, Circuit Judges.

BY THE COURT:

Jason Bell's motion for reconsideration of our March 17, 2021 order dismissing this appeal
for lack of jurisdiction is DENIED.

Appendix B

IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT



No. 20-13968 T

Jason Hunter Bell, Plaintiff-Appellant, pro se

v.

MACY'S CORP SERVICES, et al.,
Defendant-Appellee

On Appeal from the United States District Court
for the Southern District of Florida
Case No. 0:20-cv-60338-RAR

**MOTION TO RECONSIDER ELEVENTH CIRCUIT ORDER TO DISMISS
APPEAL FOR LACK OF JURISDICTION**
APPELLANT, pro se

Jason Hunter Bell, pro se
1801 NW 75th Ave., Apt.#204
Plantation, FL 33313
(954) 404-2030

Counsel for Plaintiff- Appellant, pro se

**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

May 14, 2021

**Jason Hunter Bell
1801 NW 75TH AVE APT 204
PLANTATION, FL 33313**

Appeal Number: 20-13968-J
Case Style: Jason Bell v. Macy's Corp Services/Macy's, et al
District Court Docket No: 0:20-cv-60338-RAR

The court is in receipt of your document "...motion to reply...". However, no action will be taken because this appeal is closed. A motion for reconsideration was already ruled on by order issued 4/30/2021.

No further action will be taken in this matter.

Sincerely,

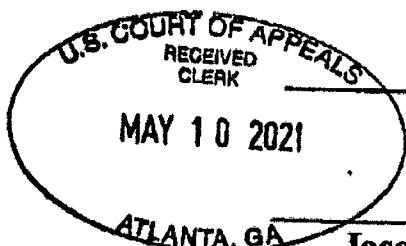
DAVID J. SMITH, Clerk of Court

Reply to: Davina C Burney-Smith, J/csg.
Phone #: (404) 335-6183

MP-1

APPENDIX--C

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



No. 20-13968-7

Jason Hunter Bell, Plaintiff-Appellant, pro se

v.

**MACY'S CORP SERVICES, et al.,
Defendant-Appellee**

On Appeal from the United States District Court
for the Southern District of Florida
Case No. 0:20-cv-60338-RAR

**APPELLANT'S/PLAINTIFF SEEK MOTION TO
REPLY TO APPELLEE/DEFENDANT RESPONSE TO MOTION TO
RECONSIDER TO DISMISS APPEAL FOR LACK OF JURISDICTION
APPELLANT, pro se**

Jason Hunter Bell, pro se
1801 NW 75th Ave., Apt.#204
Plantation, FL 33313
(954) 404-2030

• Counsel for Plaintiff- Appellant, pro se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-CV-60338-RUIZ/STRAUSS

JASON HUNTER BELL,

Plaintiff,

v.

MACY'S CORP SERVICES, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

THIS MATTER came before the Court upon Defendants' Motion to Compel Arbitration and Dismiss or, in the Alternative, Stay Proceedings [DE 48] ("Motion"). The undersigned has reviewed the Motion, the Response [DE 58] and Reply [DE 62] thereto, all exhibits to the Motion, Plaintiff's Affidavit [DE 59], and the record in this case.² For the reasons discussed herein, the undersigned **RECOMMENDS** that the Motion [DE 48] be **DENIED WITHOUT PREJUDICE** pending a bench trial on the limited issue of whether Plaintiff timely mailed in the requisite opt-out form in the manner provided for thereunder. If the Court finds for Defendants on that limited issue, the undersigned recommends that the Motion then be **GRANTED**.

BACKGROUND

Plaintiff commenced this action on February 14, 2020. On April 29, 2020, prior to Defendants' counsel's appearance in this case, the Court, *sua sponte*, entered an Order [DE 24] dismissing Plaintiff's initial Complaint, finding that the Complaint failed to state a claim upon

¹ This case has been referred to the undersigned for the issuance of a report and recommendation on dispositive matters [DE 44].

² Consistent with [DE 55] (Order), the undersigned has not considered any papers filed after the Reply [DE 62] in connection with this Report and Recommendation.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-CV-60338-RAR

JASON HUNTER BELL,

Plaintiff,

v.

MACY'S CORP. SERVICES, *et al.*,

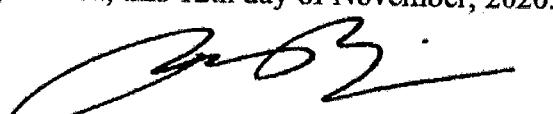
Defendants.

ORDER GRANTING MOTION TO WITHDRAW

THIS CAUSE comes before the Court on Defendants' Motion to Withdraw Defendants' Motion to Compel Arbitration ("Motion") [ECF No. 83]. In the Motion, Defendants request to withdraw their Motion to Compel Arbitration and Dismiss or, in the Alternative, Stay Proceedings ("Motion to Compel Arbitration") [ECF No. 48]. The Court has considered the Motion, and all pertinent portions of the record.¹ Accordingly, it is

ORDERED AND ADJUDGED that Defendants' Motion [ECF No. 83] is **GRANTED**. Defendants' Motion to Compel Arbitration and Dismiss or, in the Alternative, Stay Proceedings [ECF No. 48] is hereby **WITHDRAWN**.

DONE AND ORDERED in Fort Lauderdale, Florida, this 12th day of November, 2020.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

cc: counsel of record; Plaintiff, *pro se*

¹ The Court has yet to hear from Plaintiff since his failure to appear at the status conference on Monday, November 2, 2020. [ECF No. 81]. Additionally, Plaintiff was required to file a status report by November 11th indicating whether he intends to dismiss his appeal of the Court's Order Affirming and Adopting Report and Recommendation and Setting Bench Trial [ECF No. 74]—given that the appeal is now moot as a result of Defendants' decision to withdraw their Motion to Compel Arbitration. *See* Omnibus Order [ECF No. 82]. Both the instant Motion and the Omnibus Order were promptly e-mailed to Plaintiff at the e-mail address he listed on his Complaint (shutterworth@hotmail.com). To date, Plaintiff has not filed a status report and has not sought an extension of time within which to do so.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-CIV-60338-RAR

JASON HUNTER BELL,

Plaintiff,

v.

MACY'S CORP. SERVICES, *et al.*,

Defendants.

DEFENDANTS' MOTION TO WITHDRAW
DEFENDANTS' MOTION TO COMPEL ARBITRATION

Defendants, MACY'S CORP. SERVICES/MACY'S WESTFIELD MALL BROWARD ("Macy's"), RAYMOND C. VEGA, III ("Vega"), and SHARI RHODES ("Rhodes") (collectively "Defendants"), by and through their undersigned counsel, and in compliance with the Order issued on November 2, 2020 [DE 80], hereby file this Motion to Withdraw Defendants' Motion to Compel Arbitration, and, in support thereof, Defendants state as follows:

I. FACTUAL BACKGROUND

1. On June 15, 2020, Defendants timely filed their Motion to Compel Arbitration. [See DE 48]. Plaintiff filed a response on June 19, 2020 [See DE 49] to which Defendants filed a Reply on June 25, 2020 [See DE 53].

2. On July 8, 2020, Defendants filed a Motion to Stay Proceedings pending the outcome on Defendants' Motion to Compel Arbitration. [See DE 60].

3. On July 15, 2020, this Court granted Defendants' Motion to Stay Proceedings pending the resolution of the Motion to Compel Arbitration. [See DE 63].

13/11/20

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 20-CIV-60338-AMC

JASON HUNTER BELL,

Plaintiff,

v.

MACY'S CORP. SERVICES, *et al.*,

Defendants.

**DEFENDANTS' REQUEST FOR A SCHEDULING ORDER,
OR, IN THE ALTERNATIVE, A STATUS CONFERENCE**

Defendants, MACY'S CORP. SERVICES/MACY'S WESTFIELD MALL BROWARD ("Macy's"), RAYMOND C. VEGA, III ("Vega"), and SHARI RHODES ("Rhodes") (collectively "Defendants"), by and through their undersigned counsel, hereby file this Request for a Scheduling Order, or, in the Alternative, a Status Conference, and, in support thereof, Defendants state as follows:

L. FACTUAL BACKGROUND

1. Plaintiff, JASON HUNTER BELL ("Bell" or "Plaintiff") filed his Complaint on February 14, 2020. [See DE 1].
2. On April 14, 2020, the Court filed an Order Requiring Joint Responses from the Defendants and a separate Order Requiring Joint Scheduling Report on or before May 11, 2020. [See DE 19 and 20].
3. On April 29, 2020, the Court entered an Order Dismissing the Complaint and Requiring an Amended Complaint by May 6, 2020. [See DE 24].
4. On May 4, 2020, Plaintiff filed his Amended Complaint. [See DE 25].

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-CIV-60338-AMC

JASON HUNTER BELL,

Plaintiff,

v.

MACY'S CORP. SERVICES, *et al.*,

Defendants.

**DEFENDANTS' REQUEST FOR A SCHEDULING ORDER,
OR, IN THE ALTERNATIVE, A STATUS CONFERENCE**

Defendants, MACY'S CORP. SERVICES/MACY'S WESTFIELD MALL BROWARD ("Macy's"), RAYMOND C. VEGA, III ("Vega"), and SHARI RHODES ("Rhodes") (collectively "Defendants"), by and through their undersigned counsel, hereby file this Request for a Scheduling Order, or, in the Alternative, a Status Conference, and, in support thereof, Defendants state as follows:

I. FACTUAL BACKGROUND

1. Plaintiff, JASON HUNTER BELL ("Bell" or "Plaintiff") filed his Complaint on February 14, 2020. [See DE 1].
2. On April 14, 2020, the Court filed an Order Requiring Joint Responses from the Defendants and a separate Order Requiring Joint Scheduling Report on or before May 11, 2020. [See DE 19 and 20].
3. On April 29, 2020, the Court entered an Order Dismissing the Complaint and Requiring an Amended Complaint by May 6, 2020. [See DE 24].
4. On May 4, 2020, Plaintiff filed his Amended Complaint. [See DE 25].

Full docket text for document 81:

PAPERLESS Minute Entry for proceedings held before Judge Rodolfo A. Ruiz, II: Video Conference Status Conference held on 11/2/2020. Attorney Appearance(s): Tania Williams, Court Reporter: Gizella Baan-Proulx, 954-769-5568 / Gizella_Baan-Proulx@flsd.uscourts.gov. (gp)