

Current on Bloomberg Law as of 2022-05-11 13:56:22

U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:20-cv-24558-KMW

INSTITUTO MEXICANO DEL SEGURO SOCIAL v. Olympus Latin America Inc.

Date Filed: Nov 5, 2020
Nature of suit: 190 Contract: Other
Assigned to: [Judge Kathleen M. Williams](#)
Cause: 28:1332 Diversity-Other Contract
Jurisdiction: Diversity
Jury demand: Plaintiff
Referred to: Magistrate Judge Chris M. McAliley

Parties and Attorneys

Plaintiff

INSTITUTO MEXICANO DEL SEGURO SOCIAL

Representation

Mark Maney
Maney & Gonzalez-Felix PC
712 Main Street, Suite 2100
Houston, TX 77002
(713) 806-2500
mmaney@maneylaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew John Valcourt
Valcourt and Associates LLC
850 NE Third Street
Suite 208
Ste 208
Dania, FL 33004
(305) 763-2891
Fax: (305) 470-7484
mvalcourt@valcourtlaw.com
ATTORNEY TO BE NOTICED

Defendant

Olympus Latin America Inc.

Representation

Alison Tanchyk

Philadelphia

600 Brickell Avenue

Suite 1600

Miami, FL 33131-3075

(305) 415-3444

Fax: (305) 415-3001

alison.tanchyk@morganlewis.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Eric Kraeutler

Morgan, Lewis & Bockius LLP

1701 Market Street

Philadelphia, PA 19103

(215) 963-5000

eric.kraeutler@morganlewis.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Robert Mark Brochin

Morgan, Lewis & Bockius LLP

600 Brickell Avenue

Ste 1600

Miami, FL 33131

(305) 415-3456

Fax: (305) 415-3001

bobby.brochin@morganlewis.com

ATTORNEY TO BE NOTICED

Valerie Marie Toth

Morgan, Lewis & Bockius LLP

600 Brickell Avenue

Suite 1600

33131-3075

Miami, FL 33131

(305) 415-3413

valerie.toth@morganlewis.com

ATTORNEY TO BE NOTICED

Docket Entries

Numbers shown are court assigned numbers.

Entry #	Filing Date	Description
1	Nov 5, 2020	COMPLAINT against Olympus Latin America Inc.. Filing fees \$ 400.00 receipt number AFLSDC-13818005, filed by INSTITUTO MEXICANO DEL SEGURO SOCIAL. (Attachments: # 1 Civil Cover Sheet, # 2 Summon(s))(Valcourt, Matthew) (Entered: 11/05/2020)
2	Nov 5, 2020	Clerks Notice of Judge Assignment to Judge Kathleen M. Williams. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Chris M. McAilley is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (pcs) (Entered: 11/06/2020)
3	Nov 6, 2020	Summons Issued as to Olympus Latin America Inc.. (pcs) (Entered: 11/06/2020)

Entry #	Filing Date	Description
4	Nov 9, 2020	ORDER OF REFERRAL AND NOTICE OF COURT PRACTICES AND PROCEDURES, referring case to Magistrate Judge Chris M. McAliley for Pretrial Non-Dispositive Matters. Signed by Judge Kathleen M. Williams on 11/9/2020. See attached document for full details. (pcs) (Entered: 11/10/2020)
5	Dec 2, 2020	NOTICE of Attorney Appearance by Valerie Marie Toth on behalf of Olympus Latin America Inc.. Attorney Valerie Marie Toth added to party Olympus Latin America Inc.(pty:dft). (Toth, Valerie) (Entered: 12/02/2020)
6	Dec 2, 2020	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 1 Complaint by Olympus Latin America Inc.. (Attachments: # 1 Text of Proposed Order)(Toth, Valerie) (Entered: 12/02/2020)
7	Dec 2, 2020	NOTICE of Attorney Appearance by Robert Mark Brochin on behalf of Olympus Latin America Inc.. Attorney Robert Mark Brochin added to party Olympus Latin America Inc.(pty:dft). (Brochin, Robert) (Entered: 12/02/2020)
8	Dec 3, 2020	NOTICE of Attorney Appearance by Alison Tanchyk on behalf of Olympus Latin America Inc.. Attorney Alison Tanchyk added to party Olympus Latin America Inc.(pty:dft). (Tanchyk, Alison) (Entered: 12/03/2020)
9	Dec 3, 2020	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Eric Kraeutler. Filing Fee \$ 200.00 Receipt # AFLSDC-13971374 by Olympus Latin America Inc.. Responses due by 12/17/2020 (Attachments: # 1 Text of Proposed Order)(Tanchyk, Alison) (Entered: 12/03/2020)
10	Dec 3, 2020	PAPERLESS ORDER granting 6 Unopposed Motion for Extension of Time. Defendant's response to 1 Complaint due 1/25/2021. Signed by Magistrate Judge Chris M. McAliley on 12/3/2020. (rr00) (Entered: 12/03/2020)
11	Dec 3, 2020	ORDER granting 9 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Eric Kraeutler. Signed by Magistrate Judge Chris M. McAliley on 12/3/2020. See attached document for full details. (rr00) (Entered: 12/03/2020)
12	Jan 25, 2021	MOTION TO DISMISS 1 Complaint FOR FAILURE TO STATE A CLAIM by Olympus Latin America Inc.. Responses due by 2/8/2021 (Attachments: # 1 Text of Proposed Order)(Tanchyk, Alison) (Entered: 01/25/2021)
13	Jan 25, 2021	Corporate Disclosure Statement by Olympus Latin America Inc. identifying Corporate Parent Olympus Corporation, Other Affiliate Olympus Corporation of the Americas for Olympus Latin America Inc. (Tanchyk, Alison) (Entered: 01/25/2021)
14	Feb 24, 2021	RESPONSE in Opposition re 12 MOTION TO DISMISS 1 Complaint FOR FAILURE TO STATE A CLAIM filed by INSTITUTO MEXICANO DEL SEGURO SOCIAL. Replies due by 3/3/2021. (Attachments: # 1 Affidavit Exhibit A Declaration Mark Maney, # 2 Exhibit A-1 Deferred Prosecution Agreement, # 3 Exhibit A-2 Declaration Sergio Perez, # 4 Exhibit A-3 National Judicial Caseload Stats)(Valcourt, Matthew) (Entered: 02/24/2021)
15	Mar 3, 2021	RESPONSE in Support re 12 MOTION TO DISMISS 1 Complaint FOR FAILURE TO STATE A CLAIM filed by Olympus Latin America Inc.. (Tanchyk, Alison) (Entered: 03/03/2021)

Entry #	Filing Date	Description
16	Mar 4, 2021	NOTICE of Change of Address, Email or Law Firm Name by Alison Tanchyk (Tanchyk, Alison) (Entered: 03/04/2021)
17	Mar 4, 2021	NOTICE of Change of Address, Email or Law Firm Name by Valerie Marie Toth (Toth, Valerie) (Entered: 03/04/2021)
18	Mar 5, 2021	CLERK'S NOTICE - Attorney Admissions has not updated address and/or email information for attorneys Alison Tanchyk and Valerie Marie Toth re 16 Notice of Change of Address, Email or Law Firm Name, 17 Notice of Change of Address, Email or Law Firm Name. Attorney Alison Tanchyk and Valerie Marie Toth have not completed the required procedures for updating their information with the Court. Attorneys are instructed to go to their PACER account, Manage My Account, to complete the process of updating their information. The Court is NOT responsible for updating secondary email addresses. See the Courts website for detailed instructions. www.flstd.uscourts.gov/updating-your-information (pt) (Entered: 03/05/2021)
19	Mar 23, 2021	Joint SCHEDULING REPORT - Rule 26(f) by Olympus Latin America Inc. (Tanchyk, Alison) (Entered: 03/23/2021)
20	Mar 24, 2021	Defendant's MOTION to Stay Discovery Pending Resolution of its Motion to Dismiss Plaintiff's Complaint by Olympus Latin America Inc.. Responses due by 4/7/2021 (Attachments: # 1 Text of Proposed Order)(Tanchyk, Alison) (Entered: 03/24/2021)
21	Sep 7, 2021	PAPERLESS ORDER Setting Hearing. THIS MATTER is before the Court on the Motion to Dismiss 12 . A Hearing is SET on the Motion for September 14, 2021 at 10:30 AM by videoconference. Videoconference details will be emailed to the Parties the day before the Hearing. Signed by Judge Kathleen M. Williams on 9/7/2021. (shy) (Entered: 09/07/2021)
22	Sep 13, 2021	PAPERLESS ORDER RESETTING HEARING. THIS MATTER is before the Court sua sponte. The Motion to Dismiss 12 Hearing is RESET for 9/15/2021 at 1:00 PM by videoconference in Miami Division before Judge Kathleen M. Williams. Signed by Judge Kathleen M. Williams on 9/13/2021. (shy) (Entered: 09/13/2021)
23	Sep 15, 2021	PAPERLESS ORDER granting 12 Motion to Dismiss for Failure to State a Claim. THIS MATTER is before the Court on Defendant's Motion to Dismiss 12 . For the reasons discussed in the September 15, 2021 hearing on the Motion, the Motion 12 is GRANTED. The Complaint 1 is DISMISSED WITHOUT PREJUDICE. If Plaintiff wishes to file an amended complaint, Plaintiff must do so within twenty-one (21) days of the date of this Order. The Motion to Stay 20 is DENIED AS MOOT. Signed by Judge Kathleen M. Williams on 9/15/2021. (shy) (Entered: 09/15/2021)
24	Sep 15, 2021	PAPERLESS Minute Entry for proceedings held before Judge Kathleen M. Williams: Motion Hearing held on 9/15/2021 re: DE # 12 MOTION TO DISMISS 1 Complaint FOR FAILURE TO STATE A CLAIM filed by Olympus Latin America Inc. Court Reporter: Patricia Sanders, 305-523-5548 / Patricia_Sanders@flstd.uscourts.gov. (mso) (Entered: 09/15/2021)
25	Sep 16, 2021	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Mark Maney. Filing Fee \$ 200.00 Receipt # AFLSDC-15015046 by INSTITUTO MEXICANO DEL SEGURO SOCIAL. Responses due by 9/30/2021 (Attachments: # 1 Text of Proposed Order Order motion pro hac vice)(Valcourt, Matthew) (Entered: 09/16/2021)
26	Sep 16, 2021	PAPERLESS ORDER denying without prejudice 25 Motion to Appear Pro Hac Vice,

Entry #	Filing Date	Description
		Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Mark Maney. Mr. Maney did not include a certification that he studied the Local Rules of the United States District Court for the Southern District of Florida. Counsel may find a sample motion on the Court's website and refile the motion. Signed by Magistrate Judge Chris M. McAliley on 9/16/2021. (rr00) (Entered: 09/16/2021)
27	Sep 17, 2021	Amended MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Mark Maney. Filing Fee \$ 200.00 Amended/Corrected Motion to Appear Pro Hac Vice Filed - Filing Fees Previously Paid. See 25 Motion to Appear Pro Hac Vice, by INSTITUTO MEXICANO DEL SEGURO SOCIAL. Responses due by 10/1/2021 (Attachments: # 1 Certification Mark Maney re: Local Rules, # 2 Text of Proposed Order)(Valcourt, Matthew) (Entered: 09/17/2021)
	Sep 17, 2021	Attorney Mark Maney representing INSTITUTO MEXICANO DEL SEGURO SOCIAL (Plaintiff) Activated. (pt) (Entered: 09/17/2021)
28	Sep 17, 2021	ORDER granting 27 Amended Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Mark Maney. Signed by Magistrate Judge Chris M. McAliley on 9/17/2021. See attached document for full details. (rr00) (Entered: 09/17/2021)
29	Oct 5, 2021	MOTION for Extension of Time to Amend 23 Order on Motion to Dismiss for Failure to State a Claim,,, Order on Motion to Stay,, To File an Amended Complaint by INSTITUTO MEXICANO DEL SEGURO SOCIAL. Responses due by 10/19/2021 (Attachments: # 1 Text of Proposed Order Proposed order extension)(Valcourt, Matthew) (Entered: 10/05/2021)
30	Oct 5, 2021	PAPERLESS ORDER granting in part 29 Plaintiff's Motion for Extension. THIS MATTER is before the Court on Plaintiff's Motion to extend the October 6, 2021 deadline to file its final amended complaint. The Court notes that the Motion is not timely, but Defendant has consented to an extension of 14 days. Plaintiff's Motion for Extension 29 is GRANTED IN PART. Plaintiff shall file its final amended complaint on or before October 20, 2021. Going forward, all motions and filings by the Parties must comply fully with the Federal Rules of Civil Procedure, the Local Rules for the Southern District of Florida, and the Practices and Procedures of this Court. Pursuant to Section II(B) of this Court's Practices and Procedures, "[a]bsent an emergency, requests for extensions of time must be presented to the Court, by motion, no later than 48 hours prior to the deadline from which the Parties are seeking relief. Sanctions may be imposed for non-emergent requests made less than 48 hours prior to the deadline." Signed by Judge Kathleen M. Williams on 10/5/2021. (shy) (Entered: 10/05/2021)
31	Oct 20, 2021	AMENDED COMPLAINT against Olympus Latin America Inc. filed in response to Order Granting Motion for Leave, filed by INSTITUTO MEXICANO DEL SEGURO SOCIAL.(Valcourt, Matthew) (Entered: 10/20/2021)
32	Nov 3, 2021	MOTION TO DISMISS 31 Amended Complaint/Amended Notice of Removal FOR FAILURE TO STATE A CLAIM by Olympus Latin America Inc.. Responses due by 11/17/2021 (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q, # 19 Exhibit R, # 20 Exhibit S, # 21 Exhibit T, # 22

Entry #	Filing Date	Description
		Exhibit U, # 23 Exhibit V, # 24 Exhibit W, # 25 Exhibit X)(Tanchyk, Alison) (Entered: 11/03/2021)
33	Nov 17, 2021	RESPONSE to 32 MOTION TO DISMISS 31 Amended Complaint/Amended Notice of Removal FOR FAILURE TO STATE A CLAIM by INSTITUTO MEXICANO DEL SEGURO SOCIAL. (Valcourt, Matthew) (Entered: 11/17/2021)
34	Nov 24, 2021	RESPONSE in Support re 32 MOTION TO DISMISS 31 Amended Complaint/ Amended Notice of Removal FOR FAILURE TO STATE A CLAIM filed by Olympus Latin America Inc.. (Tanchyk, Alison) (Entered: 11/24/2021)
35	Mar 23, 2022	NOTICE of Change of Address, Email or Law Firm Name by Matthew John Valcourt (Valcourt, Matthew) (Entered: 03/23/2022)