

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

GABE HOFFMAN, an individual,

Plaintiff,

v.

CASE NO.: 50-2019-CA-013860-XXXX-MB

THOMAS SCHOENBERGER, an individual,

Defendant.

MOTION TO VACATE ORDER ENTERED OCTOBER 9, 2020
AND MOTION TO RE-SCHEDULE HEARING

COMES NOW, the Defendant Thomas Schoenberger, (hereinafter "SCHOENBERGER"), pursuant to Florida Judicial Rule 1.540(b) requests the Court to VACATE THE ORDER ENTERED on or about October 9, 2020; on the grounds of Inadvertence, Defendant Intimidation/Death Threat, including but not limited to other misconduct of an adverse party.

I, Thomas Schoenberger, the Defendant in this case am requesting that the Order entered October 9, 2020, be vacated, for the following reasons:

An Order entered on October 9, 2020 upon a seeming Defendant's failure to appear virtually for the October 8, 2020 hearing on Plaintiff's Motion to Compel Response to Plaintiff's First Request for Production to Defendant and Response to Plaintiff's First Interrogatories to Defendant (Filing# 113517490, filed 9/17/2020). I am requesting that this order be vacated

pursuant to Fla.R.Civ.P. 1.540(b). This Motion to Vacate is being filed within 10 days from the date the order was entered. The reasons I am requesting that the order be vacated are I was unable to virtually attend due to technical difficulties. I contacted the clerk of the court by approximately 40 minutes from the scheduled appearance, to document my technical difficulties with this Court. I had received a death threat phone call just prior, including but not limited to other death threats. It may or may not have been connected, but I am documenting it here, in the event my life is at risk. For the record, I am not suicidal.

I am requesting a re-hearing pursuant to Fla.R.Civ.P. 1.530. This Motion for Rehearing is being filed within 15 days from the date of the filing of the judgment or order. The reasons I am requesting a rehearing are to appropriately defend myself in this case, as pro se.

WHEREFORE, I respectfully request that the Court grant this Motion.

DATED this 15th day of October, 2020.

/s/ Thomas Schoenberger

THOMAS SCHOENBERGER, pro se
1726 Willowbrook Drive, Provo, UT 84604
tsger13@gmail.com

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on the 15th day of October, 2020 this document was filed using the Florida Courts E-filing Portal. This document is being served on counsel of record by the Florida Courts E-filing Portal, pursuant to and in compliance with Fla. R. Jud. Admin. 2.516. The mailing and electronic addresses are: Attorney for Plaintiff Dennis S. Klein at dklein@kelleykronenberg.com; 10360 West State Road 84, Fort Lauderdale, FL 33324.

By: /s/ Thomas Schoenberger

THOMAS SCHOENBERGER, pro se