

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

GUANG CHEN,

Plaintiff,

-vs-

Case No. 2:09-cv-752-FtM-99SPC

DESOTO COUNTY, FLORIDA, a political
subdivision of the State of Florida,

Defendant.

ORDER

This matter comes before the Court on the Defendant's Motion to Compel Completion of Case Management Report and Selection of Mediator (Doc. #26) filed on April 2, 2010. On February 19, 2010, the parties held the required case management conference for the purpose of preparing the proposed dates for the Case Management Report. However, the parties could not agree on the name of a mediator. As a result, the Defendant moves the Court to compel the Plaintiff to choose one from the fifteen (15) names provided to the Plaintiff.

District courts have broad discretion in managing their cases. Chrysler Int'l Corp. v. Chenaly, 280 F.3d 1358, 1360 (11th Cir. 2002). The broad discretion given to the court includes the management of pretrial activities such as discovery and scheduling. Id. (citing Johnson v. Bd. of Regents of Univ. Georgia, 263 F.3d 1234, 1269 (11th Cir. 2001)).

In this case, the Defendant states the Plaintiff objects to the use of any of the local mediators because they may have had previous experience with defense counsel and they were not inexpensive. Defense Counsel argues the names of the mediators provided are highly qualified professional

mediators with many years experience and should not be summarily dismissed because they may not be considered the “cheapest on the market”, or may have had professional contact with Counsel. The Court agrees. Plaintiff has been provided the choice of qualified individuals to handle the mediation in this case. Therefore, the Court will grant the motion to the extent outlined below.

Accordingly, it is now

ORDERED:

(1) The Defendant’s Motion to Compel Completion of Case Management Report and Selection of Mediator (Doc. #26) is **GRANTED**. The Plaintiff shall have **seven (7) days** to select a mediator from the list of names provided, or the Court will have no other option but to select one on his behalf.

(2) The Clerk is directed to accept the Case Management Report outlining the proposed dates attached to the Motion and enter a Case Management Order.

DONE AND ORDERED at Fort Myers, Florida, this 2nd day of April, 2010.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record