

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

CRAIG COTORA, an individual,

Plaintiff,

-vs-

Case No. 2:10-cv-775-FtM-29SPC

LEE COUNTY, a political subdivision of the State
of Florida, LEE COUNTY EMS, a political
subdivision of State of Florida,

Defendants.

ORDER

This matter comes before the Court on the Defendant Lee County 's Motion for Extension of the Deadline to File Expert's Report and Take Plaintiff's Deposition (Doc. #15) filed on September 9, 2011. The Defendant requests that it be granted an extension of time to take Plaintiff's deposition and to submit an independent medical evaluation due to the Plaintiff being out of the country. The Defendant requests that it be given until thirty (30) days after the Plaintiff has returned to this country to complete the independent medical evaluation and submit its expert report. The Defendant submits that Plaintiff's unavailability for deposition and to be evaluated for medical purposes constitutes a showing of good cause for an extension of the deadlines referenced above pursuant to Fed. R. Civ. P. 16(b) and Local Rule 3.09(a).

The Defendant's Motion is well taken and the extension of time is due to be granted. The Court also notes that this delay is caused by the Plaintiff's own actions and not due to any delay created by the Defendant. The Court suggests that counsel come to an agreement on a date at which time the IME can be accomplished prior to the Plaintiff returning to this country so that there is not

undue delay scheduling an appointment after Plaintiff returns. The Plaintiff is cautioned that failure to cooperate with the Defendant in scheduling an appointment may result in sanctions being imposed upon the Plaintiff.

Accordingly, it is now

ORDERED:

The Defendant Lee County 's Motion for Extension of the Deadline to File Expert's Report and Take Plaintiff's Deposition (Doc. #15) is **GRANTED**.

The Defendant has up to and including **February 12, 2012**, to take the Plaintiff's deposition, independent medical exam, and to file its expert report.

DONE AND ORDERED at Fort Myers, Florida, this 12th day of September, 2011.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record