

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

AMERICAN REGISTRY, LLC, a  
Delaware limited liability company

Plaintiff,

v.

Case No: 2:13-cv-352-FtM-29CM

YONAH HANAW, MICHAEL  
LEVY, SHOWMARK HOLDINGS,  
LLC and SHOWMARK MEDIA,  
LLC,

Defendants.

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**ORDER**

Before the Court is Plaintiff's Agreed Motion for Enlargement of Case Management Deadlines and Supporting Memorandum ("Motion") (Doc. 59), filed on June 26, 2014. Plaintiff requests that the Court extend the deadlines for expert disclosures set forth in the Amended Case Management and Scheduling Order (Doc. 52) for a period of sixty days. In support of the Motion, Plaintiff states that "discovery has not yet progressed to the point where experts can be retained and reports disclosed" because the case is "not yet at issue" due to two pending motions to dismiss Plaintiff's Third Amended Complaint filed by Defendants.<sup>1</sup> Doc. 59 at 2.

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<sup>1</sup> The two motions are Defendants' Motion to Dismiss Third Amended Complaint and Incorporated Memorandum of Law (Doc. 42) and Defendant Michael Levy's Motion to Dismiss Third Amended Complaint for Lack of Personal Jurisdiction and Incorporated Memorandum of Law (Doc. 43), both filed on January 20, 2014.

At the outset, the Court notes that this is the same argument offered in support of the parties' prior motion for extension, filed on April 3, 2014. *See* Doc. 50 at 2. Although the Court granted the prior extension, the Court also cautioned the parties that a failure to complete discovery within the time established by the Local Rules shall not constitute good cause for an extension unless that failure was not due to a lack of diligence in pursuing discovery, and "question[ed] whether the parties have shown the requisite diligence by failing to complete any additional discovery" prior to filing the motion for extension. *See* Doc. 51 at 2, 3. The Court further instructed the parties to "diligently pursue discovery during the extension period, as doing so would not impose any burdens outside those normally associated with litigation." *Id.* at 3. As Plaintiff again states that discovery has not progressed to the point where expert reports can be exchanged due to the pending motions to dismiss, it appears the parties did not heed the Court's prior Order.

Motions to extend deadlines are "distinctly disfavored after entry of the Case Management and Scheduling Order." M.D. Fla. R. 3.05(c)(2)(E). Upon review of the Motion and the current Amended Case Management and Scheduling Order (Doc. 52), the deadlines by which the parties are required to disclose expert reports appear far enough in advance of the discovery deadline that granting the requested extension will not affect any other deadlines.<sup>2</sup> Therefore, in light of the parties' agreement and because extending the deadlines for disclosure of expert reports will not affect other

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<sup>2</sup> The current deadline for Plaintiff's disclosure of expert reports is July 11, 2014 and the deadline for disclosure of Defendants' expert reports is August 11, 2014. Doc. 52 at 1. The discovery deadline is December 1, 2014. *Id.*

deadlines set forth in the Amended Case Management and Scheduling Order (Doc. 52), the Court will grant the requested sixty-day extension, but again reminds the parties that they should be diligently pursuing discovery during the extension period.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Plaintiff's Agreed Motion for Enlargement of Case Management Deadlines and Supporting Memorandum (Doc. 59) is **GRANTED**.

- a. The deadline for Plaintiff's disclosure of expert reports is extended **up to and including September 11, 2014**;
- b. The deadline for Defendants' disclosure of expert reports is extended **up to and including October 13, 2014**.

2. All other deadlines set forth in the Amended Case Management and Scheduling Order (Doc. 52) remain in effect.

**DONE** and **ORDERED** in Fort Myers, Florida on this 27th day of June, 2014.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:

Counsel of record