

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.

ORDER

Before the Court is Plaintiff's Unopposed Motion for Enlargement of Case Management Deadlines and Supporting Memorandum (Doc. 63), filed on September 9, 2014. Plaintiff requests that the Court extend the deadlines for both Plaintiff's and Defendants' expert disclosures, extended by the Court's June 27, 2014 Order to September 11, 2014 and October 13, 2014, respectively, for an additional sixty (60) days.¹ *See* Doc. 60. The Local Rule 3.01(g) certification represents that Defendant does not oppose the extension. Doc. 63 at 4.

¹ Plaintiff's motion also requests that the Court extend "all the Court's deadlines for Disclosure of Expert Reports established by this Court's Amended Case Management and Scheduling Order dated April 15, 2014 Order for a period of sixty (60) days or some other reasonable period of time." Doc. 63 at 3-4. Because Plaintiff acknowledges the June 27, 2014 extension elsewhere in the motion, the Court presumes that Plaintiff seeks an extension of sixty (60) days from each of those deadlines.

Contrary to Plaintiff's assertion, extending the deadlines for Plaintiff's and Defendants' expert disclosures by sixty days will affect other case management deadlines.² For example, a sixty day extension of those deadlines will result in Plaintiff's and Defendants' expert disclosures being due on November 10, 2014 and December 12, 2014, respectively. The Amended Case Management and Scheduling Order (Doc. 52), the operative scheduling order in this case, established a discovery deadline of December 1, 2014 and set this case for the May 4, 2015 trial term. As the case management report form, included with the Court's Related Case Order and Track Two Notice (Doc. 16), and the parties' Case Management Report (Doc. 30) state, the Court recommends that the last exchange of expert reports occur six months before trial and 1-2 months before the discovery deadline to allow expert depositions, and further that "all discovery *must* be commenced in time to be completed before [the discovery deadline]." Doc. 16 at 4 (emphasis added); Doc. 30 at 1-2 (emphasis added). As previously noted, if the Court were to grant the requested extension, Defendants' expert disclosures would be due on or before December 12, 2014 – eleven days *after* the discovery deadline and less than five months prior to the scheduled trial term.

² Plaintiff's motion states that an extension of the deadlines for expert disclosures will not affect any other deadlines in the Amended Case Management and Scheduling Order. Doc. 63 at 4. Because this statement was coupled with Plaintiff's statement that it was requesting an extension of the deadlines set forth in the Amended Case Management and Scheduling Order, see note 1, *supra*, it is unclear to the Court whether Plaintiff is still asserting this to be the case. In any event, it is worth mentioning that other deadlines will be affected and rendered impractical.

Plaintiff contends that the deadlines for expert disclosures as they are currently set have been rendered impractical by the Court's recent Order granting in part Defendants' motion to dismiss Plaintiff's third amended complaint (Doc. 61) and Defendants' failure to produce requested discovery. *See* Doc. 63 at 3. Extending only the deadlines for expert disclosures, however, is also impractical. The motion will therefore be denied without prejudice. The parties are strongly encouraged to resolve discovery disputes immediately and amicably, without the need for Court intervention. In the event that the parties still believe an extension of the deadlines for expert disclosures is necessary, they should be prepared to request an extension of all pending case management deadlines and provide the Court with a stipulated proposed new case management schedule.

ACCORDINGLY, it is hereby

ORDERED:

Plaintiff's Unopposed Motion for Enlargement of Case Management Deadlines and Supporting Memorandum (Doc. 63) is **DENIED without prejudice**.

DONE and **ORDERED** in Fort Myers, Florida on this 11th day of September, 2014.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record