

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FRANK LATELL, KATHLEEN  
LATELL, LATELL CROIX  
APARTMENTS LTD, and LATELL  
PEPPERTREE APARTMENTS, LTD,

Plaintiffs,

v.

Case No: 2:13-cv-565-FtM-29CM

SANTANDER BANK,

Defendant.

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**ORDER**

Before the Court are Defendant's Motion for Extension of Disclosure of Expert Reports and Incorporated Memorandum of Law (Doc. 115), filed on July 16, 2015 and Plaintiffs' Motion to Extend Discovery Deadline and Incorporated Memorandum of Law (Doc. 118), filed July 16, 2015. Both motions are unopposed. For the reasons set forth below, the motions are granted.

Defendant requests that the Court set an expert disclosure deadline approximately 30 days from the date of this Order. Doc. 115. There have been several amendments to the Case Management and Scheduling Order, most recently on June 26, 2015 (Doc. 110), along with orders staying this case for various periods of time since the original Case Management and Scheduling Order was entered on July 23, 2014 (Doc. 57). Docs. 67, 81, 82, 93, 110. Defendant, however, seeks an additional extension based on new information, including Plaintiff's financial

documents, received during discovery. Doc. 115 at 3. The Court finds good cause to grant Defendant's motion.

Plaintiffs further seek to extend the discovery deadline by ninety (90) days in order to take the depositions of four fact witnesses identified during discovery.<sup>1</sup> Doc. 118 at 2. Those witnesses are located in various states, and Plaintiffs have been receiving opposition when attempting to subpoena those witnesses. *Id.* Here, an extension of the discovery deadline also would necessitate an extension of the trial deadline, which already has been extended by the Court. Extending the trial term is "distinctly disfavored" by the Court. M.D. Fla. R. 3.05(c)(2)(E). In this instance, the Court finds good cause to grant the motion. The parties are discouraged, however, from seeking extensions beyond that provided by this Order absent extenuating circumstances.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendant's Motion for Extension of Disclosure of Expert Reports and Incorporated Memorandum of Law (Doc. 115) is **GRANTED**.

2. Plaintiffs' Motion to Extend Discovery Deadline and Incorporated Memorandum of Law (Doc. 118) is **GRANTED**.

3. An Amended Case Management and Scheduling Order will be entered by separate Order.

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<sup>1</sup> When the Court granted Defendant's Motion for Protective Order on July 16, 2015, the Court encouraged Plaintiffs to seek the depositions of other witnesses rather than the deposition of Defendant's attorney. Doc. 114.

**DONE** and **ORDERED** in Fort Myers, Florida on this 21st day of July, 2015.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record