

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JACQUELINE R. MARS,

Plaintiff,

v.

Case No: 2:14-cv-54-FtM-29CM

URBAN TRUST BANK,

Defendant.

ORDER

Before the Court is Plaintiff's Motion to Have Defendant and Defendant's Counsel Cooperate in Scheduling Depositions of the Plaintiff and Having the Defendant Counsel Appear on Two Consecutive Days in Fort Myers for Depositions Rather than Separate Deposition Dates ("Motion") (Doc. 41), filed on March 10, 2015. Defendant's Response in Opposition was filed on March 19, 2015. Doc. 42. The Motion requests a Court order requiring opposing counsel to cooperate in scheduling Plaintiff's deposition and the depositions of other witnesses in a manner Plaintiff feels is more advantageous and convenient.¹ Defendant's response states that counsel provided dates in April for fact witness depositions, but "for reasons relating to both strategy and expenses (lodging)" preferred to schedule Plaintiff's deposition for a later date and requested dates in May 2015 on which Plaintiff and her counsel are available. Doc. 42 at 1.

¹ The deadline by which the parties are required to complete discovery in this matter currently is August 3, 2015. Doc. 38 at 1.

The Local Rules provide that “[a]ttorneys and litigants should conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay.” M.D. Fla. R. 2.04(h); *see also* Middle District Discovery (2001) at 1 (“Discovery in this district should be practiced with a spirit of cooperation and civility.”). The Middle District Discovery handbook also states that “[a] lawyer shall reasonably attempt to accommodate the schedules of opposing lawyers, parties, and witnesses in scheduling discovery.” *Id.* Specifically with respect to scheduling depositions, the handbook explains that “[a] courteous lawyer is normally expected to accommodate the schedules of opposing lawyers.” *Id.* at 5. Thus, the Court believes that the parties should continue to work together in the spirit of the Local Rules and embrace the guidance set forth in the Middle District Discovery handbook, and resolve this scheduling dispute without judicial intervention.

ACCORDINGLY, it is hereby

ORDERED:

Plaintiff’s Motion to Have Defendant and Defendant’s Counsel Cooperate in Scheduling Depositions of the Plaintiff and Having the Defendant Counsel Appear on Two Consecutive Days in Fort Myers for Depositions Rather than Separate Deposition Dates (Doc. 41) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on this 1st day of April, 2015.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record