

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ADMIRAL INSURANCE COMPANY,
a foreign for profit corporation

Plaintiff,

v.

Case No: 2:14-cv-339-FtM-38CM

MARN RIVELLE,

Defendant.

ORDER

Before the Court are Plaintiff, Admiral Insurance Company's, Motion to Enlarge Time to Conduct Discovery and to File Dispositive Motions or, alternatively, to Continue Trial (Doc. 34), filed on March 30, 2015 and Defendant's Unopposed Motion for Enlargement of Time to Disclose Expert Reports (Doc. 35), filed on March 31, 2015.

Plaintiff requests that the Court extend the discovery deadline and the deadline to file dispositive motions by 90 days because additional witnesses have been identified through discovery, and those witnesses need to be deposed. Doc. 34 at 2-3. Two of the witnesses are out of state, and due to scheduling conflicts those depositions cannot be completed until after the current discovery deadline. Doc. 34 at 2.

The discovery deadline presently is set for May 4, 2015. Doc. 30 at 1. Extending the deadline by 90 days would put the new deadline at August 3, 2015.¹ Currently, the dispositive motion deadline is June 8, 2015. *Id.* If the Court grants the motion, the new dispositive motion deadline would be September 8, 2014.² Defendant has no objection to the requested extension.

The Court's case management report form states that dispositive motions need to be filed four months or more prior to trial in order for the Court to have adequate time to consider them. Doc. 30. The Case Management and Scheduling Order entered in this case also states that "at least four months are required before trial to receive memoranda in opposition to a motion for summary judgment, and to research and resolve the dispositive motion sufficiently in advance of trial." Doc. 30 at 4, ¶ 1. Therefore, the Court will extend the deadlines as requested, but will also move this case to the January 2014 trial term. All of the other pretrial deadlines also will be extended by 90 days with the exception of the disclosure of expert reports.

Defendant filed an Unopposed Motion for Enlargement of Time to Disclose Expert Reports. Doc. 35. Defendant requests an additional 60 days to disclose its expert reports, because additional information is needed and the parties still are

¹ Plaintiff indicated in its motion that 90 days after the current deadline is August 2, 2015. That date, however, falls on a Sunday. The next business day is Monday, August 3, 2015.

² Plaintiff notes in its motion that the new deadline is September 6, 2015 but that date falls on a Sunday. The next day, Monday, September 7, 2015, is Labor Day. Labor Day is a federal holiday. Therefore, the next business day would be Tuesday, September 8, 2015.

conducting discovery. *Id.* at 2. Defendant seeks an extension of both Plaintiff's and Defendant's expert disclosure deadlines. *Id.* Plaintiff has no objection to the requested extension. Therefore, the deadline for Plaintiff to disclose its expert reports is May 1, 2015. The deadline for Defendant to disclose its expert reports is now June 1, 2015.

The Court finds good cause to extend the expert disclosure deadlines and the deadlines set forth in the Case Management and Scheduling Order (Doc. 30).

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff, Admiral Insurance Company's, Motion to Enlarge Time to Conduct Discovery and to File Dispositive Motions or, alternatively, to Continue Trial (Doc. 34) is **GRANTED**.

2. Defendant's Unopposed Motion for Enlargement of Time to Disclose Expert Reports (Doc. 35) is **GRANTED**.

3. Trial in this matter is moved from the October 2015 trial term to the **January 2016 trial term**.

4. The Clerk is directed to issue an amended case management and scheduling order, placing this case on the **January 2016 trial term**, with Plaintiff's expert disclosures due by **May 1, 2015** and Defendant's expert disclosures due by **June 1, 2015**, discovery due by **August 3, 2015**, and dispositive and *Daubert* motions due by **September 8, 2015**. All other pre-trial deadlines will be amended accordingly.

DONE and **ORDERED** in Fort Myers, Florida on this 6th day of April, 2015.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record