

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE: FIDDLER'S CREEK, LLC

---

FIDDLER'S CREEK, LLC,

Plaintiff,

v.

Case No: 2:14-cv-379-FtM-29CM

NAPLES LENDING GROUP LC  
and DANIEL CARTER,

Defendants/Third  
Party Plaintiff

AUBREY FERRAO, ANTHONY  
DINARDO and WILLIAM  
REAGAN,

Third Party Defendants.

---

**ORDER**

Before the Court are Defendants' Limited Unopposed Motion to Extend Deadline to Continue Two Depositions through June 17, 2016 and to Extend Dispositive, *Daubert*, and *Markman* Motion Deadline through June 28, 2016 ("Motion to Continue," Doc. 259), and the parties' Agreed Joint Motion for Limited Extension of Time to Conduct Two Previously Noticed Deposition ("Motion for Extension," Doc. 263). For the reasons set forth below, the motions are granted.

Both motions seek to extend the deadlines for the discovery and dispositive motion deadlines. *See* Docs. 259, 263. In the Motion to Continue, Defendants state that the extension is needed to complete the depositions of Kris Wiebeck and Michael

Falcone. Doc. 259 at 1. As grounds, Defendants state that Plaintiff deposed Mr. Wiebeck, and, while Defendants cross-noticed the deposition, they were unable to ask any questions. *Id.* at 2. Additionally, Defendants could not complete the deposition of Mr. Wiebeck. *Id.* Defendants sought to arrange the continuation of the depositions, but were unable to do so before the current discovery deadline of May 31, 2016. *Id.* Accordingly, Defendants request to extend the discovery and dispositive motion deadlines.

The Motion for Extension states that the parties need to complete the deposition of Daniel Carter and Rene Vecka. Doc. 263 at 1-2. The parties state they attempted to schedule these depositions prior to the discovery deadline, but due to unforeseen circumstances, each of the depositions needed to be rescheduled. *Id.* at 2. The parties state they have acted diligently in trying to complete the depositions prior to the close of discovery. *Id.* The parties have conducted numerous fact and expert depositions throughout the month of May 2016. *Id.* Thus, the parties request a brief extension to complete discovery and dispositive motions.

The Court also notes that Plaintiff filed a Motion to Compel Defendant Carter to Produce Financial and Net Worth Discovery (Doc. 253). Moreover, Counterclaim Defendants, Aubrey Ferrao, Anthony DiNardo, William Reagan, and Fiddler's Creek LLC filed a Motion to Compel Production of Documents Responsive to First Request for Production (Doc. 262). In light of the remaining discovery and pending motions to compel, the Court finds good cause to grant the extension. An amendment of the discovery and dispositive motion deadlines, however, would necessitate an extension

of the remaining deadlines. Accordingly, the Court will extend the entire case management schedule by thirty days. Absent extenuating circumstances, however, the Court will not be inclined to grant any additional extensions.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendants' Limited Unopposed Motion to Extend Deadline to Continue Two Depositions through June 17, 2016 and to Extend Dispositive, *Daubert*, and *Markman* Motion Deadline through June 28, 2016 (Doc. 259) is **GRANTED**.

2. The Parties' Agreed Joint Motion for Limited Extension of Time to Conduct Two Previously Noticed Deposition (Doc. 263) is **GRANTED**.

3. The deadlines set forth in the Amended Case Management and Scheduling Order will be extended by thirty (30) days.

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

5. All other directives set forth in the Case Management and Scheduling Order (Doc. 98) remain unchanged.

**DONE** and **ORDERED** in Fort Myers, Florida on this 27th day of May, 2016.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record