

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

KEVIN CALDERONE, GEORGE  
SCHWING, MICHAEL ZALESKI and  
SELENA LEE, an individual

Plaintiffs,

v.

Case No: 2:14-cv-519-FtM-29CM

MICHAEL SCOTT,

Defendant.

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**ORDER**

This matter comes before the Court upon review of Defendant's Motion for Protective Order to Preclude Deposition of Sheriff Michael Scott (Doc. 90) filed on August 16, 2016, and Plaintiffs' Motion for Protective Order Regarding Class Discovery and Motion to Bifurcate Case into Liability and Damages Phases and Incorporated Memorandum of Law (Doc. 92) filed on August 30, 2016. Plaintiffs filed a response in opposition to Defendant's motion for a protective order (Doc. 90) on August 26, 2016. Doc. 91. Defendant filed a response in opposition to Plaintiffs' motion for a protective order and motion to bifurcate (Doc. 92) on September 13, 2016. Doc. 93.

The Court held a hearing on the present motions on September 16, 2016 and heard extensive argument from both sides. Doc. 97. For the reasons stated on the record, Defendant's motion for a protective order (Doc. 90) is granted, and all of Plaintiffs' notice, subpoena, and request directed to taking a deposition of Sheriff

Michael Scott are quashed. Defendant shall make available for deposition Commander Tracy Estep, the current head of the Sheriff's Office's Professional Standards Division, and Annmarie Reno, the Director of Budget Services for the Sheriff's Office. Doc. 90 at 4. Furthermore, Plaintiffs' motions for a protective order and to bifurcate (Doc. 92) are denied for the reasons stated on the record. Plaintiffs shall have up to and including **October 7, 2016** to respond to Defendant's First Interrogatories to the opt-in plaintiffs, served on August 1, 2016.

The parties also discussed extending the Case Management and Scheduling Order ("CMSO") deadlines. Doc. 41. The deadlines for the disclosure of expert reports for Plaintiffs and Defendant, and the discovery deadline are extended by two (2) weeks. The deadline for dispositive motions, *Daubert* motions, and *Markman* motions is extend by one (1) week.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendant's Motion for Protective Order to Preclude Deposition of Sheriff Michael Scott (Doc. 90) is **GRANTED**.

2. Plaintiffs' notice, subpoena, and request that are related to taking the deposition of Sheriff Michael Scott are **QUASHED**.

2. Plaintiffs' Motion for Protective Order Regarding Class Discovery and Motion to Bifurcate Case into Liability and Damages Phases and Incorporated Memorandum of Law (Doc. 92) are **DENIED**.

4. Plaintiffs shall have up to and including **October 7, 2016** to respond to Defendant's First Interrogatories to the opt-in plaintiffs.

5. The deadline for disclosure of expert reports for Plaintiffs is extended by two (2) weeks. Plaintiffs shall have up to and including **September 28, 2016** to disclose expert reports.

6. The deadline for disclosure of expert reports for Defendant is extended by two (2) weeks. Defendant shall have up to and including **October 28, 2016** to disclose expert reports.

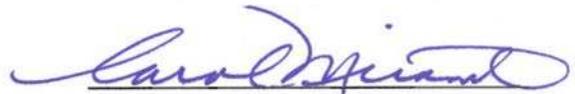
7. The discovery deadline is extended by two (2) weeks. The parties shall have up to and including **November 15, 2016** to conduct discovery.

8. The deadline for dispositive motions and *Daubert* and *Markman* motions is extended by one (1) week. The parties shall have up to and including **December 8, 2016** to file dispositive motions, *Daubert* motions, and *Markman* motions.

9. The Clerk is directed to enter an Amended Case Management and Scheduling Order.

10. All other directives set forth in the Case Management and Scheduling Order (Doc. 41) remain unchanged.

**DONE** and **ORDERED** in Fort Myers, Florida on this 19th day of September, 2016.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record