

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PATRICIA LYON, an individual

Plaintiff,

v.

Case No: 2:15-cv-204-FtM-38CM

DIOCESE OF VENICE and ST.
ELIZABETH SETON SCHOOL,

Defendants.

ORDER

This matter comes before the Court upon review of the Joint Motion to Enlarge Case Management Deadlines and Incorporated Memorandum of Law in Support (Doc. 19) filed on August 11, 2016. On November 2, 2016, the Court entered a Case Management and Scheduling Order (“CMSO”). Doc. 18. Currently, the discovery deadline is September 30, 2016; the mediation deadline is October 14, 2016, the dispositive motions, *Daubert* motions, and *Markman* motions deadline is October 31, 2016; the deadline for meeting in person to prepare a joint final pretrial statement is December 22, 2016; and the deadline for the joint final pretrial statement, all other motions, and trial briefs is February 10, 2017. Doc. 18 at 1-2. The final pretrial conference is scheduled for February 24, 2017 at 9:30 a.m., and the trial term is scheduled to begin on March 6, 2017. *Id.* at 2.

The parties now seek to continue the trial term and extend the remaining pretrial deadlines by thirty (30) days. Doc. 19 at 2. As support, the parties state

that they anticipate taking a total of three depositions in this case. *Id.* at 1. These depositions originally were scheduled during the months of July and August, 2016, but had to be rescheduled due to court-ordered events in other matters. *Id.* In addition, since early July 2016, the parties began to coordinate mediation dates with their selected mediator, James Nulman; however, the earliest mediation date that the parties could select based on availability of all parties and the mediator was October 31, 2016. *Id.* at 2.

District courts have broad discretion when managing their cases in order to ensure that the cases move to a timely and orderly conclusion. *Chrysler Int'l Corp. v. Chemaly*, 280 F.3d 1358, 1360 (11th Cir. 2002). Rule 16 requires a showing of good cause for modification of a court's scheduling order. Fed. R. Civ. P. 16(b)(4). "This good cause standard precludes modification unless the schedule cannot be met despite the diligence of the party seeking the extension." *Sosa v. Airprint Sys., Inc.*, 133 F. 3d 1417, 1418 (11th Cir. 1998) (internal quotations and citations omitted). Here, the parties essentially seek to continue the trial term to April 3, 2017.¹ Although the parties agree that an extension of the mediation deadline is necessary due to the scheduling conflicts that precluded an earlier mediation date, they have not offered sufficient details why the pretrial deadlines cannot be met despite their diligence. See Doc. 19 at 2. For instance, the parties agree that "in light of the need to extend mediation, discovery should be extended by one month as well. *Id.* The

¹ The parties proposed that a trial term begin on April, 2017. Doc. 19 at 3. The 2017 trial calendar for the Honorable Sheri Polster Chappell is available at <https://www.flmd.uscourts.gov>.

current depositions are all scheduled for September 21, 22, and 23, before the current discovery deadline and even before the parties' selected mediation deadline. *Id.*

This matter is set for a three to four day jury trial during the trial term of March 6, 2017. Doc. 18 at 2. Because of the Court's heavy trial calendar, the Court is not inclined to extend the trial deadline under the circumstances at bar. However, because of the stipulated nature of the instant motion, the parties' representation that they have been diligent so far in engaging each other in discovery, and because this is the parties' first requested extension, the Court will grant an extension of the discovery deadline, a partial extension of the mediation deadline, and a partial extension of the dispositive motions, *Daubert* motions, and *Markman* motions deadline.

ACCORDINGLY, it is hereby

ORDERED:

1. Joint Motion to Enlarge Case Management Deadlines and Incorporated Memorandum of Law in Support (Doc. 19) is **GRANTED in part**.

2. The discovery deadline is extended to **October 31, 2016**. The mediation deadline is extended to **November 7, 2016**. The dispositive motions, *Daubert* motions, and *Markman* motions deadline is extended to **November 14, 2016**.

3. All other deadlines and directives in the Court's Case Management and Scheduling Order (Doc. 18) remain in effect.

DONE and **ORDERED** in Fort Myers, Florida on this 23rd day of August, 2016.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record