

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ALLIED PORTABLES, LLC and  
CONNIE ADAMSON, a Florida  
limited liability company

Plaintiffs,

v.

Case No: 2:15-cv-294-FtM-38CM

ROBIN YOUMANS, GARDEN ST.  
PORTABLES, LLC, WILLIAM  
"BILL" OSWALD, JR. ,  
BILLOPRO, LLC, LORI A.  
LANGLOIS and DEBRA PALMER,

Defendants.

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**ORDER**

This matter comes before the Court upon review of the Joint Motion to Extend Case Management Deadlines and Incorporated Memorandum of Law (Doc. 135) filed on July 29, 2016. On February 19, 2016, the Court entered a Case Management and Scheduling Order ("CMSO") setting the trial term to begin on March 6, 2017. Doc. 120 at 2. The parties now seek to continue the trial term and extend the remaining pretrial deadlines by forty-five (45) days. Doc. 135 at 2. As support, the parties state that they are currently in the process of developing their expert reports; however, they agree that more time is needed to finalize their reports. *Id.* at 1. Currently, Plaintiff's deadline for disclosure of expert reports is August 12, 2016; Defendant's deadline for disclosure of expert reports is September 9, 2016; the discovery deadline is October 14, 2016; the dispositive motions, *Daubert* motions, and

*Markman* motions deadline is November 14, 2016; the deadline for meeting in person to prepare a joint final pretrial statement is January 20, 2017; and the deadline for the joint final pretrial statement, all other motions, and trial briefs is February 3, 2017. Doc. 20 at 1-2. The final pretrial conference is scheduled for February 24, 2017 at 9:30 a.m. *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 May 1, 2017.<sup>1</sup> Although the parties agree that an extension of forty-five (45) days for the expert report deadlines is necessary, the parties have not offered sufficient details why the pretrial deadlines cannot be met despite their diligence. For instance, a shorter extension of the expert report deadlines would not require the continuance of the trial term.

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<sup>1</sup> The parties proposed that a final pretrial conference occur on April 11, 2017. Doc. 135 at 2. The 2017 trial calendar for the Honorable Sheri Polster Chappell is available at <https://www.flmd.uscourts.gov>. The only available date for a final pretrial conference in April is April 21, 2017, necessitating that the trial term begin on May 1, 2017.

This matter is set for a five day jury trial during the trial term of March 6, 2017. Doc. 120 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. For the same reason, at least four months before the first day of the scheduled trial term are needed to review and resolve a dispositive motion sufficiently. 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 a partial extension of the expert disclosure deadlines by thirty (30) days and extend the discovery deadline to November 1, 2016 without changing the remaining CMSO deadlines or trial date.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Joint Motion to Extend Case Management Deadlines and Incorporated Memorandum of Law (Doc. 135) is **GRANTED in part and DENIED in part**.
2. The deadline for the disclosure of expert reports for Plaintiff and Counter Plaintiff is hereby extended to **September 12, 2016**.
3. The deadline for the disclosure of expert reports for Defendant and Counter Defendant is hereby extended to **October 10, 2016**.
4. The discovery deadline is extended to **November 1, 2016**.
5. All other deadlines and directives in the Case Management and Scheduling Order (Doc. 120) remain in effect.

**DONE** and **ORDERED** in Fort Myers, Florida on this 8th day of August, 2016.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record