

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JESSICA HERNANDEZ, on behalf of
themselves and all others similarly
situated

Plaintiff,

v.

Case No: 2:15-cv-337-FtM-38MRM

DYCK-O'NEAL, INC. and LAW
OFFICES OF DANIEL C.
CONSUEGRA, P.L.,

Defendants.

ORDER¹

This matter comes before the Court on the parties' Joint Notice to Court as to the Status of Mediation ([Doc. #36](#)) filed January 27, 2017. The Case Management and Scheduling Order set the mediation for January 18, 2017, which the parties missed. In response to the Court's Order to Show Cause, they explain they "have largely taken no action on this matter in the hopes of having a final ruling by the Florida Supreme Court [on a pertinent jurisdictional issue] but such a ruling does not appear to be coming anytime soon." ([Doc. #36](#)). The parties, therefore, scheduled mediation for March 3, 2017. ([Doc. #37](#)).

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

The Court will permit the new mediation deadline and amend the Case Management and Scheduling Order accordingly. But, the parties are reminded that the deadlines in the Case Management Scheduling Order are not mere suggestions that can be ignored. The parties also may not *sua sponte* extend deadlines without the Court's permission. Going forward, the parties should not expect leniency with the deadlines set and procedural oversights.

Accordingly, it is now

ORDERED:


- (1) The mediation deadline is extended to March 3, 2017, at 11:00 A.M.²
- (2) The following Amended Case Management and Scheduling Order will control the subsequent course of this case:

Mediation Deadline	March 3, 2017
Dispositive Motions, <i>Daubert</i> Motions, and <i>Markman</i> Motions	March 17, 2017
Meeting <i>In Person</i> to Prepare Joint Final Pretrial Statement	June 23, 2017
Joint Final Pretrial Statement (including joint-proposed jury instructions and verdict form, case-specific <i>voir dire</i> questions, witness lists, and exhibit lists, all of which must also be emailed in Microsoft Word® format to Judge Chappell's inbox)	July 14, 2017
All Other Motions (including motions <i>in limine</i>) and Trial Briefs (non-jury trials)	July 14, 2017
Final Pretrial Conference	Date: July 28, 2017
	Time: 9:30 AM
	Judge: The Honorable Sheri Polster Chappell

² The Court reminds the parties that they must participate in mediation, in a good faith effort, in order to minimize pretrial procedures and secure the just, speedy, and inexpensive determination of this action.

Trial Term Begins	August 1, 2017 9:00 A.M.
Note: Trials before a Magistrate Judge begin on a date certain.	
Estimated Length of Trial	3 days
Jury/Non Jury	Jury

DONE and ORDERED in Fort Myers, Florida this 31st day of January 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record