

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANIEL A. BERNATH,

Plaintiff,

v.

Case No: 2:15-cv-358-FtM-99CM

MARK CAMERON SEAVEY,

Defendant.

ORDER

This matter comes before the Court upon review of The American Legion and Mark Cameron Seavey's Motion to Extend Scheduling Order Deadlines (Doc. 100) filed on November 30, 2016.

Plaintiff initiated this action by filing a complaint against Defendant Mark Cameron Seavey ("Seavey") on June 16, 2015, to which Seavey responded on July 8, 2015 with an answer, affirmative defenses, and counterclaims. Docs. 1; 10. On December 7, 2015, the Court entered a Case Management and Scheduling Order ("CMSO") setting forth the case deadlines as follows:¹ December 5, 2016 for completion of discovery; December 19, 2016 for completion of mediation; January 9, 2017 for filing dispositive motions; March 17, 2017 for the in-person meeting to prepare a joint final pretrial statement; and March 31, 2017 for the filing of a joint final pretrial statement. Doc. 62 at 1-2. The Court scheduled the final pretrial

¹ The Court only sets forth those deadlines that have not already passed and are relevant to the instant motion. The deadlines that have passed will remain unchanged.

conference to take place on April 21, 2017 and the trial term to begin on May 1, 2017. *Id.* at 2. With the Court's permission, The American Legion intervened on May 2, 2016. Docs. 66; 67.

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, Defendants claim that Plaintiff has not complied with his discovery obligations; absent substantive discovery, the parties will not be able to participate in mediation or prepare the case for trial. Doc. 100. The Court recently granted Defendants' motions to compel discovery and ordered Plaintiff to reply to Defendants' discovery requests by December 12, 2016. Doc. 101 at 19-21. Although the Court finds good cause to grant an extension of the remaining CMSO deadlines, it is not inclined to grant a six-month extension, as Defendants request. As stated in the Local Rules of this district, "[i]t is the goal of the court that a trial will be conducted in all Track Two Cases within two years after the filing of the complaint, and that most such cases will be tried within one year after the filing of the complaint." M.D. Fla. R. 3.05(c)(2)(E).

ACCORDINGLY, it is hereby

ORDERED:

The American Legion and Mark Cameron Seavey's Motion to Extend Scheduling Order Deadlines (Doc. 100) is **GRANTED in part and DENIED in part**. An Amended Case Management and Scheduling Order will be entered under separate cover.

DONE and **ORDERED** in Fort Myers, Florida on this 10th day of January, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record