

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 Defendants' Time Sensitive Motion to Extend Case Management and Scheduling Order Deadlines, Waive in Person Meeting for Preparation of Joint Final Pretrial Statement, and for Leave to File Separate Final Pretrial Statement (Doc. 221) filed on May 11, 2017.

The Court's Second Amended Case Management and Scheduling Order mandates that the parties meet in person to prepare a joint final pretrial statement by May 15, 2017. Doc. 203 at 1. The parties also must submit a joint final pretrial statement by May 29, 2017, attend a final pretrial conference on June 23, 2017, and be ready for trial on July 3, 2017. *Id.* Defendants seek an extension of the case management and scheduling order deadlines, waiver of the in-person meeting required for preparation of a joint final pretrial statement, and leave to file a separate final pretrial statement. Doc. 221 at 1.

District courts have broad discretion in managing their cases. *Chrysler Int'l Corp. v. Chemaly*, 280 F.3d 1358, 1360 (11th Cir. 2002). Rule 16 of the Federal Rules

of Civil Procedures 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). Upon review of the motion, the Court finds good cause to grant the requested relief.

ACCORDINGLY, it is hereby

ORDERED:

1. Defendants' Time Sensitive Motion to Extend Case Management and Scheduling Order Deadlines, Waive in Person Meeting for Preparation of Joint Final Pretrial Statement, and for Leave to File Separate Final Pretrial Statement (Doc. 221) is **GRANTED**.
2. The Court waives the requirement that the parties meet in person to prepare the Final Pretrial Statement.
3. **The parties shall have up to and including July 24, 2017 to file individual Final Pretrial Statements**¹ (Including a Single Set of Proposed Jury Instructions and Verdict Form (a Word or WordPerfect version should also be e-mailed to the Chambers e-mail address), Voir Dire Questions, Witnesses Lists, and Exhibit Lists on Approved Form).

¹ Defendants shall file a Joint Final Pretrial Statement. Plaintiff may file a Separate Final Pretrial Statement.

4. The parties shall have up to and including July 24, 2017 to file all other motions, including motions *in limine*, and trial briefs.
5. The parties shall attend the **Final Pretrial Conference on August 25, 2017 at 9:30 AM** before the Honorable Sheri Poslter Chappell.
6. The **trial term is scheduled for September 5, 2017**, for an estimated jury trial length of 3 days.

DONE and ORDERED in Fort Myers, Florida on this 13th day of May, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record