

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PK STUDIOS, INC.,

Plaintiff,

v.

Case No: 2:15-cv-389-FtM-99CM

R.L.R. INVESTMENTS, LLC,
EAGLES LANDING VILLAS AT
GOLDEN OCALA, LLC, GOLDEN
OCALA GOLF & EQUESTRIAN
CLUB MANAGMENT, LLC,
STOCK DEVELOPMENT, LLC
and BRIAN STOCK,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Second Motion to Extend Trial Date and Other Deadlines in Case Management and Scheduling Order (Doc. 77) filed on September 8, 2016. Defendants Stock Development, LLC, Brian Stock, and R.L.R. Investments, LLC, do not oppose the requested relief. Doc. 77 at 1 n.1. Defendants Eagles Landing Villas at Golden Ocala and LLC, Golden Ocala Golf & Equestrian Club Management, LLC have not responded to the motion, and time to do has expired. *Id.* The matter is ripe for review.

On December 24, 2015, the Court issued a Case Management and Scheduling Order ("CMSO") setting the deadline for motions to add parties or to amend pleadings to May 2, 2016, the discovery deadline to September 1, 2016, the deadline for dispositive motions, *Daubert*, and *Markman* motions to November 1, 2016, and a trial

term of February 6, 2017. Doc. 48. Plaintiff seeks to extend the CMSO deadlines by at least four (4) months because this case is complex in nature and involves large volumes of documents to be exchanged and reviewed. Doc. 69 at 3-4. Plaintiff states that the parties could not meet the CMSO deadlines despite their exercise of great diligence. *Id.* at 3. The record also reveals that the CMSO deadlines have not been extended or altered since the Court entered the CMSO on December 24, 2015.¹

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 Court grants Plaintiff's motion to extend (Doc. 77) because Plaintiff demonstrates good cause and all of Defendants do not oppose the requested relief.² The Court also recognizes that the CMSO deadlines have not been extended or altered

¹ On July 7, 2016, Plaintiff filed an Emergency Motion to Extend Expert Report Disclosure Deadline (Doc. 64), which the Court denied without prejudice. Doc. 65. Plaintiff filed a Motion to Extend Trial Date and Other Deadlines (Doc. 69) on July 15, 2016, and Defendants Stock Development, LLC, and Brian Stock also filed a Motion to Extend Trial Date and Other Deadlines in CMSO (Doc. 72) on August 11, 2016. The Court denied without prejudice both motions on August 30, 2016. Doc. 74 at 28.

² By not responding to this motion (Doc. 77), Defendants Eagles Landing Villas at Golden Ocala, LLC and Golden Ocala Golf & Equestrian Club Management, LLC waive their objections and create a presumption that Plaintiff's motion to extend the deadlines (Doc. 77) is unopposed. *Great Am. Assur. Co. v. Sanchuk, LLC*, No. 8:10-cv-2568-T-33AEP, 2012 WL 195526, at *3 (M.D. Fla. Jan. 23, 2012).

before. Given the length of the extension granted here, the Court expects the parties to continue exercising their diligence in meeting the extended deadlines. The parties' continued diligence and coordination also will eliminate the parties' future need to file additional motions to extend the deadlines.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Second Motion to Extend Trial Date and Other Deadlines in Case Management and Scheduling Order (Doc. 77) is **GRANTED**.

2. An amended case management and scheduling order will be issued under separate cover.

DONE and **ORDERED** in Fort Myers, Florida on this 27th day of September, 2016.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record