

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ACE AMERICAN INSURANCE  
COMPANY,

Plaintiff,

v.

Case No: 2:15-cv-629-FtM-99CM

AJAX PAVING INDUSTRIES OF  
FLORIDA, LLC,

Defendant/Third  
Party Plaintiff

ASPHALT MILLING SERVICES,  
LLC,

Third Party Defendant.

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**ORDER**

This matter comes before the Court upon review of the Joint Stipulation to Extend Discovery and Mediation Deadlines in the Amended Case Management and Scheduling Order (Doc. 37) filed on January 4, 2017, construed as the Joint Motion to Extend the Discovery and Mediation Deadlines. The parties seek to extend the discovery deadline of January 6, 2017 to March 15, 2017 and the mediation deadline of January 9, 2017 to April 5, 2017. Doc. 37 at 3. The parties state that although they have been working to comply with the CMSO deadlines, they have encountered scheduling difficulties and witness availability issues. *Id.*

On June 30, 2016, Senior United States District Judge John E. Steele entered a Case Management and Scheduling Order (“CMSO”). Doc. 25. On August 25,

2016, the Court entered an Amended CMSO, setting the discovery deadline to January 6, 2017, the mediation deadline to January 9, 2017, the deadline for dispositive motions to February 6, 2017, and a trial term of June 5, 2017. Doc. 36.

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 will grant the requested extension because the parties demonstrate good cause. Doc. 37 at 4. Although the parties state that this extension will not disturb other CMSO deadlines, the extended discovery deadline will be one month after the deadline for dispositive motions. *Id.* As a result, in the interest of judicial economy, the Court will *sua sponte* extend the remaining CMSO deadlines. The Court reminds the parties that this is the second extension of the CMSO deadlines requested by the parties and this case has been pending over one year.<sup>1</sup> Docs. 1, 35, 36. Furthermore, should the parties desire another extension of the CMSO deadlines in the future, the proper procedural posture is to file a motion for extension, not the parties' joint stipulation.

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<sup>1</sup> Plaintiff initiated this lawsuit by filing a Complaint on October 9, 2015. Doc. 1.

ACCORDINGLY, it is hereby

**ORDERED:**

1. The Joint Stipulation to Extend Discovery and Mediation Deadlines in the Amended Case Management and Scheduling Order (Doc. 37), construed as the Joint Motion to Extend the Discovery and Mediation Deadlines, is **GRANTED**.

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

**DONE** and **ORDERED** in Fort Myers, Florida on this 5th day of January, 2017.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record