

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GIAN BIOLOGICS, LLC, a Delaware
limited liability corporation

Plaintiff,

v.

Case No: 2:15-cv-645-FtM-99CM

CELLMEDIX HOLDINGS, LLC,
PERFUSION.COM, INC., NORTH
AMERICAN STERILIZATION
AND PACKAGING COMPANY,
INC., BRYAN V. LICH and PAUL
WIEBEL, JR. ,

Defendants.

ORDER

This matter comes before the Court upon review of the Joint Motion for an Extension of Time for Expert Disclosures (Doc. 55) filed on October 13, 2016. The parties seek to extend the deadlines for disclosure of expert reports. Doc. 55 at 1.

On February 22, 2016, the Court entered a Case Management Scheduling Order (“CMSO”). Doc. 20. On July 22, 2016, Plaintiff filed an unopposed motion to extend the expert disclosure deadlines and discovery deadline by at least sixty (60) days, which the Court granted. Doc. 31, 39. On August 19, 2016, the Court entered an amended CMSO setting the deadlines for affirmative disclosure of expert reports to October 31, 2016 and for rebuttal to November 30, 2016, the discovery deadline to December 30, 2016, the mediation deadline to January 13, 2017, the deadline for dispositive motions to January 30, 2017, and a trial term of August 7, 2017. Doc. 41.

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 parties again seek to extend the deadlines for affirmative disclosure of expert reports to December 2, 2016 and for rebuttal to January 6, 1017. Doc. 55 at 3. The parties allege that the extension is necessary because they have encountered unexpected and unintentional delays in undertaking financial and damages-related discovery and still have outstanding discovery requests, which are likely to impact the experts' opinions. *Id.* at 2. The Court recognizes that this is a second extension the parties are seeking. For good cause shown and because this motion is unopposed, the Court will grant the requested extension setting the deadlines for affirmative disclosure of expert reports to December 2, 2016 and for rebuttal to January 6, 1017. *Id.* at 3.

In addition, the Court *sua sponte* will extend the discovery deadline to January 31, 2017 and the deadline for dispositive motions to March 3, 2017. Even though the parties claim that the extension will not affect any other dates, the current discovery deadline of December 30, 2016 ends seven (7) days before the proposed deadline for rebuttal of expert reports. *Id.*; Doc. 41. Furthermore, the deadline of January 30,

2017 for dispositive motions is only twenty-four (24) days from the proposed deadline of January 6, 2017 for rebuttal. Doc. 55 at 3; Doc. 41.

Given the length of the second extension granted here, the Court expects the parties to exercise 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. The Joint Motion for an Extension of Time for Expert Disclosures (Doc. 55) is **GRANTED**.

2. The Deadline for Affirmative Disclosure of Expert Reports is extended to **December 2, 2016**.

3. The Deadline for Rebuttal of Disclosure of Expert Reports is extended to **January 6, 2017**.

4. The Discovery Deadline is extended to **January 31, 2017**.

5. The Deadline for Dispositive Motions, *Daubert*, and *Markman* Motions is extended to **March 3, 2017**.

6. All other deadlines in the Amended Case Management and Scheduling Order (Doc. 41) remain in effect.

DONE and **ORDERED** in Fort Myers, Florida on this 14th day of October, 2016.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record