

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 Temporary Stay Pending Settlement Negotiations (Doc. 61) filed on December 27, 2016, construed as a Motion for Extension. On December 16, 2016, Plaintiff filed a Renewed Motion to Compel and for Sanctions, which is pending before the Court. Doc. 58. The parties seek to stay the proceedings and to extend various deadlines, including Defendants CellMedix Holdings, LLC and Perfusion.Com, Inc.'s deadline to respond to Plaintiff's motion to compel, by thirty (30) days so that the parties can continue settlement discussions and avoid unnecessary legal costs. Doc. 61.

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 finds good cause to grant the requested extension because the parties allege that they are engaged in settlement negotiations. The Court, however, reminds the parties that this is a third extension requested by the parties and granted by the Court. On February 22, 2016, Senior United States District Judge John E. Steele entered a Case Management Scheduling Order ("CMSO"). Doc. 20. Since then, the parties twice moved to extend the CMSO deadlines: on July 22, 2016 and October 13, 2016. Docs. 31, 55. The Court granted the two motions for extension, entered an amended CMSO on August 19, 2016, and again extended the CMSO deadlines on October 14, 2016.¹ Docs. 39, 41, 56. The Court will not be inclined to grant additional extensions beyond that provided by this Order absent extenuating circumstances.

ACCORDINGLY, it is hereby

ORDERED:

1. The Joint Motion for Temporary Stay Pending Settlement Negotiations (Doc. 61), construed as a Motion for Extension, is **GRANTED**.

¹ As of this date, the parties' deadlines for affirmative disclosure of expert reports is December 2, 2016, for rebuttal of expert reports is January 6, 2017, for discovery is January 31, 2017, and for dispositive motions is March 3, 2017, and a trial term begins on August 7, 2017. Docs. 41, 56.

2. Defendants CellMedix Holdings, LLC and Perfusion.Com, Inc. shall have up to and including **January 30, 2017** to respond to Plaintiff's Renewed Motion to Compel (Doc. 58).

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

DONE and **ORDERED** in Fort Myers, Florida on this 29th day of December, 2016.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record