

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 2:16-cv-155-FtM-29CM

MARK A. SACCULLO,
KATHERINE G. STUENKEL,
MICHELLE PAULL PROA and
DOROTHY SACCULLO,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Motion to Continue Trial, Extend Pretrial Deadlines and Excuse Parties from In-Person Meeting (Doc. 44) filed on January 12, 2017. Plaintiff seeks to extend all remaining deadlines by sixty (60) days. Doc. 44. Defendants Katherine G. Stuenkel and Michelle Paull Proa do not oppose the requested relief. *Id.* at 1 n.1. Plaintiff states that it was unable to confer with Defendant Dorothy Saccullo, who is proceeding as pro se. *Id.* Defendant Mark A. Saccullo has not responded to Plaintiff's Complaint (Doc. 1) or Amended Complaint (Doc. 17), and the Clerk of Court entered default against him on May 4, 2016. Doc. 32.

On April 11, 2016, Senior United States District Judge John E. Steele issued a Case Management and Scheduling Order ("CMSO") setting the discovery deadline to September 15, 2016, the deadline for dispositive motions to October 20, 2016, and a trial term of March 6, 2017. Doc. 29 at 1-2. On July 5, 2016, Plaintiff filed a

motion for summary judgment against all defendants and default judgment against Defendant Mark A. Saccullo. Doc. 39. On August 16, 2016, Judge Steele excused the parties from mediation and ordered the defendants to respond to Plaintiff's motion for summary judgment (Doc. 39) within fourteen (14) days of the Order. Doc. 42. As of this date, only Defendant Mark A. Saccullo responded to the motion for summary judgment, and Judge Steele has not yet ruled on Plaintiff's motion for summary judgment (Doc. 39). Doc. 43.

Plaintiff seeks to extend the remaining CMSO deadlines by sixty (60) days because of its pending motion for summary judgment. Doc. 44 at 1. Plaintiff alleges that the parties already have resolved a number of issues, and the only remaining issue depends upon the resolution of its motion for summary judgment. *Id.* at 2-3. Plaintiff also seeks the Court to excuse the parties from meeting in person to prepare a joint final pretrial statement because the remaining issue is limited and does not require extensive work. *Id.* at 3-4.

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. Furthermore, given that Judge Steele already excused the parties from mediation on the same ground that a number of issues have been resolved, the Court also will allow the parties to discuss over telephone or email to prepare a joint final pretrial statement. Doc. 42 at 1-2.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Motion to Continue Trial, Extend Pretrial Deadlines and Excuse Parties from In-Person Meeting (Doc. 44) 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 13th day of January, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record