

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PATRICIA KENNEDY, individually

Plaintiff,

v.

Case No: 2:16-cv-179-FtM-38CM

ERIC D. HOWELL,

Defendant.

ORDER

This matter comes before the Court upon review of Defendant's Request to Extend Mediation Deadline (Doc. 35) filed on March 23, 2017. Defendant seeks to extend the mediation deadline of March 28, 2017 to April 28, 2017 because Defendant argues that he needs to receive his expert's report before he can mediate effectively. Doc. 35 at 1-2. Although Defendant alleges that Plaintiff opposes the requested relief, Plaintiff has not responded to the motion, and her time to do so has expired. *Id.* at 2. Plaintiff's non-response to the present motion creates a presumption that the motion 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). Because Defendant shows good cause and the motion is unopposed, the Court will grant the requested extension. Doc. 35.

The Court reminds the parties, however, that the requested extension is the third extension of the mediation deadline. On December 8, 2016, Plaintiff requested an extension of the mediation deadline, which United States District Judge Sheri

Polster Chappell granted and extended the deadline to February 15, 2017. Docs. 31, 32. On February 10, 2017, Defendant requested to extend the mediation deadline, which Judge Chappell granted and extended the deadline to March 28, 2017. Docs. 33, 34. As a result, the Court will not be inclined to grant additional extensions of the mediation deadline beyond that provided by this Order absent extenuating circumstances.

ACCORDINGLY, it is hereby

ORDERED:

Defendant's Request to Extend Mediation Deadline (Doc. 35) is **GRANTED**. The parties shall have up to and including **April 28, 2017** to mediate. **The parties must file a joint mediation report within five days of mediation.**

DONE and **ORDERED** in Fort Myers, Florida on this 7th day of April, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record