

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PATRICIA KENNEDY, individually

Plaintiff,

v.

Case No: 2:16-cv-358-FtM-38CM

J.B. BALDWIN,

Defendant.

ORDER

This matter comes before the Court upon review of Defendant's Request to Extend Mediation Deadline (Doc. 26) filed on March 23, 2017. Plaintiff brought this lawsuit pursuant to the Americans with Disabilities Act ("ADA"). On October 18, 2016, the Court entered a ADA Title III Scheduling Order directing the parties to mediate this case before a mediator of their choice no later than January 16, 2017. Doc. 16 at 2. Since then, the Court has twice extended this mediation deadline based on unopposed requests by Defendant. Docs. 23, 25. The parties' current mediation deadline is March 28, 2017. Doc. 25.

In granting the previous extension, the Court relied on Defendant's representation that it had recently employed an experienced ADA expert, ADA Compliance Specialists, Inc., from Miami Beach, Florida, and scheduled an inspection of the subject property, but it needed additional time to receive back the expert's report before mediation could take place. Doc. 24. Now, Defendant informs the Court that due to the significant number of ADA cases filed in the Middle and

Southern Districts of Florida, the ADA expert is backlogged, and then recently was hospitalized, such that he has not been able to complete the report in time for the parties to mediate by March 28, 2017. Doc. 26 at 1-2. Defendant expects that it could receive, and would be able to analyze, the expert's report and complete mediation by April 28, 2017.

Although Defendant's motion states that Plaintiff objects to the extension, the parties' mediation deadline is today and Plaintiff has filed no response in opposition. Accordingly, the Court will grant the requested extension without the benefit of a response to allow the parties to coordinate their efforts at scheduling mediation. Defendant is warned, however, that the Court is not inclined to entertain further requests for extension absent extenuating circumstances.

ACCORDINGLY, it is hereby

ORDERED:

Defendant's Request to Extend Mediation Deadline (Doc. 26) is **GRANTED**. The parties shall have up to and including April 28, 2017 to complete mediation.

DONE and **ORDERED** in Fort Myers, Florida on this 28th day of March, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record