

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BAYARDO VILCHEZ,

Plaintiff,

v.

Case No: 2:16-cv-652-FtM-99CM

3F MANAGEMENT, LLC,

Defendant.

ORDER

This matter comes before the Court upon review of the Joint Motion to Continue Deadlines Contained in this Court's FLSA Scheduling Order and Motion to Allow Plaintiff's Counsel to Appear Telephonically (Doc. 15) filed on January 11, 2017. The Court's Fair Labor Standards Act Scheduling Order requires counsel for both parties to meet and confer in person in a good faith effort to settle all pending issues, including attorneys' fees and costs, no later than January 6, 2017. Doc. 13 at 2. The parties seek to extend this deadline to February 23, 2017. Doc. 15 at 2. The Court will grant this request.

Plaintiff's attorney also requests to appear telephonically at the settlement conference. *Id.* This Court, however, has emphasized that "the most advantageous vehicle through which to encourage early discussion and possible resolution of FLSA cases is the conduct of an in-person settlement conference between counsel before the general discovery phase begins." *Vega v. Circle K Stores, Inc.*, No. 2:14-cv-298-FtM-38CM, 2014 WL 4101642, at *2 (M.D. Fla. Aug. 20, 2014). Although Plaintiff's

counsel represents that he will be unable to travel to Fort Myers, Florida in the next thirty days, the Court is granting an extension of the deadline beyond thirty days. Thus, the Court will deny this request. Should Plaintiff's counsel need additional time within which to comply with the in-person requirement, the Court will entertain any reasonable requests.

ACCORDINGLY, it is hereby

ORDERED:

1. Joint Motion to Continue Deadlines Contained in this Court's FLSA Scheduling Order and Motion to Allow Plaintiff's Counsel to Appear Telephonically (Doc. 15) is **GRANTED** in part and **DENIED in part**.

2. **By February 23, 2017**, counsel for Plaintiff and Defendant shall meet and confer in person in a good faith effort to settle all pending issues, including attorneys' fees and costs, and fully comply with paragraph four of the Court's Scheduling Order (Doc. 13 ¶ 4).

3. **By March 15, 2017**, the parties shall jointly file a Report Regarding Settlement that is in strict compliance with paragraph five of the Court's Scheduling Order (Doc. 13 ¶ 5).

DONE and **ORDERED** in Fort Myers, Florida on this 12th day of January, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies: Counsel of record