

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SAFECO INSURANCE COMPANY
OF ILLINOIS and SAFECO
INSURANCE COMPANY OF
AMERICA,

Plaintiffs,

v.

Case No: 2:16-cv-837-FtM-38CM

JOSEPH A. TREMBLAY, CODY
JAMES MORRISON, ROMARRIO
ANTHONY SCOTT, RAQUEL
MARIA NUNEZ, JULIE LIPPSON
and SETH LIPPSON,

Defendants.

ORDER

This matter comes before the Court upon review of the Joint Motion for an Extension of Time for Preliminary Pretrial Conference Hearing (Doc. 35) filed on January 16, 2017. Plaintiffs and Defendants Cody Morrison and Joseph A. Tremblay (“Tremblay”) seek to reschedule the Preliminary Pretrial Conference (“PPTC”) scheduled on January 25, 2017 because Tremblay is traveling on the west coast of the United States and will not return to Florida until mid-February.¹ Doc. 35 at 2. Furthermore, the parties allege that Defendant Romarrio Anthony Scott, who has been served, has not appeared in this matter or filed a responsive pleading.

¹ Plaintiffs initiated this action by filing a petition for declaratory judgment on November 16, 2016. Doc. 1. Tremblay filed an Answer on December 7, 2016. Doc. 14. One day later, Plaintiffs filed an Amended Complaint on December 8, 2016. Doc. 10.

Id. The parties also state that Defendant Seth Lippson is in the process of being served, and Defendant Julie Lippson has not yet been served. *Id.*

Under Local Rule 3.05(c)(2)(D), the Court either schedules a PPTC or enter a Case Management and Scheduling Order upon receipt of the parties' Case Management Report. M.D. Fla. R. 3.05(c)(2)(D). Rule 16(b)(2) of the Federal Rules of Civil Procedure mandates the Court to issue the scheduling order "within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared" unless the Court finds good cause for delay. Fed. R. Civ. P. 16(b)(2). "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 reschedule the PPTC. In order to provide all defendants an opportunity to respond to the Amended Complaint (Doc. 10) and to appear at a PPTC, the Court will cancel the PPTC scheduled on January 25, 2017 and set a new PPTC in February.

ACCORDINGLY, it is hereby

ORDERED:

1. The Joint Motion for an Extension of Time for Preliminary Pretrial Conference Hearing (Doc. 35) is **GRANTED**.

2. A Preliminary Pretrial Conference scheduled on January 25, 2017 is cancelled. An Order setting a new Preliminary Pretrial Conference will be issued separately.

DONE and **ORDERED** in Fort Myers, Florida on this 18th day of January, 2017.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Unrepresented parties