

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 STEVEN LIPPSON,

Defendants.

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**ORDER**

This matter comes before the Court upon review of Plaintiffs' Unopposed Motion for Enlargement of the Mediation Deadline and to Change the Mediator (Doc. 87) filed on March 5, 2018. On March 9, 2017, the Court entered a Case Management and Scheduling Order ("CMSO"), setting the discovery deadline to March 6, 2018, the mediation deadline to March 6, 2018, the deadline for dispositive motions to April 6, 2018 and a trial term to commence on August 6, 2018. Doc. 49 at 1-2. The CMSO also designated Gary Larsen as the parties' mediator. *Id.* at 2. Plaintiffs state they and Defendant Cody James Morrison agreed to participate in a global mediation with other parties and counsel. Doc. 87 at 1-2. Plaintiffs seek to extend the mediation deadline to April 13, 2018 and change their mediator to Richard Marchewka because the parties have scheduling conflicts, and the parties' current

mediator is not available between now and April 13, 2018. *Id.* at 2. Counsel for Morrison does not oppose the requested relief. *Id.* at 3.

Because Plaintiffs represent the requested extension will not affect other remaining deadlines or prejudice any party, the Court finds good cause to grant the requested extension. *Id.* at 2. Nonetheless, the Court will not allow the parties to substitute their mediator to Richard Marchewka because Marchewka does not appear on the district's list of certified mediators. As the Case Management Report indicates, the parties "have agreed on a mediator from the Court's approved list of mediators as set forth in the table above. . . . The list of mediators is available from the Clerk, and is posted on the Court's web site at <http://www.flmd.uscourts.gov>." Doc. 39 at 12. Local Rule 9.01(a) further provides a mediator must be an attorney who is certified by the chief judge in accordance with the Local Rules. M.D. Fla. R. 9.01(a). Accordingly, the Court will direct the parties to select a mediator from the Court's approved list of mediators.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Plaintiffs' Unopposed Motion for Enlargement of the Mediation Deadline and to Change the Mediator (Doc. 87) is **GRANTED in part and DENIED in part.**

2. The parties shall have up to and including **April 13, 2018** to mediate.

3. Plaintiffs' request to designate Richard Marchewka as their mediator is **DENIED.**

**DONE** and **ORDERED** in Fort Myers, Florida on this 6th day of March, 2018.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record