

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SANDRA K. DRESSLER,

Plaintiff,

v.

Case No: 2:18-cv-311-FtM-99CM

U.S. DEPARTMENT OF
EDUCATION, BETSY DEVOS,
FLORIDA DEPARTMENT OF
EDUCATION, NAVIENT
CORPORATION, NAVIENT
SOLUTIONS, INC., EDUCATION
CREDIT MANAGEMENT
CORPORATION, PIONEER
CREDIT RECOVERY, INC.,
EQUIFAX INC., EQUIFAX
INFORMATION SERVICES, LLC
and DOES 1-10,

Defendants.

ORDER

This matter comes before the Court upon review of Defendant Florida Department of Education's ("Florida DOE") Motion for Enlargement of Time to Conduct Rule 26(f) Conference and to Submit Case Management Report filed on August 20, 2018. Doc. 58. For the reasons stated below, the motion is granted.

Plaintiff filed the Complaint in this case and served nine Defendants on May 4, 2018. Docs. 1-11. Defendants Navient (including Navient Corporation and Navient Solutions, Inc.), Education Credit Management, Florida DOE, and Pioneer Credit Recovery, Inc. subsequently filed motions to dismiss. Docs. 28, 33, 39, 54. Florida DOE now requests an extension of time to conduct a case management

conference until seven to ten days after the previous deadline of August 20, 2018. *Id.* at 1; Doc. 36 at 4. Florida DOE also requests to conduct the case management conference by telephone. Doc. 58 at 4. In support of its request, Florida DOE claims Plaintiff has not contacted counsel for Florida DOE or Defendants Navient (including both Navient Corporation and Navient Solutions, Inc.) and Equifax (including both Equifax Inc. and Equifax Information Services, LLC) to discuss discovery and has not served all Defendants. Doc. 58 at 2-3. Florida DOE previously requested an extension on June 18, 2018 stating similar concerns regarding Plaintiff failing to contact Defendants and failing to serve all Defendants. Doc. 32 at 3. Florida DOE states Plaintiff does not oppose the requested extension. *Id.*

District courts have broad discretion when managing their cases in order to ensure that the cases move to a timely and orderly conclusion. *Chrysler Int'l Corp. v. Chemaly*, 280 F.3d 1358, 1360 (11th Cir. 2002). Rule 6 of the Federal Rules of Civil Procedure requires a showing of good cause for extension of a deadline, and Rule 16 requires a finding of good cause to delay the issuance of a scheduling order. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(2). Because the motion is unopposed, and the requested extension is short, the Court finds good cause to grant a seven-day extension and allow the parties to conduct the case management conference by telephone.

As Florida DOE states Plaintiff still has not contacted Defendants to discuss discovery or served all Defendants, Plaintiff is reminded that “the right of self-representation does not exempt a party from compliance with relevant rules of procedural and substantive law.” *See* Doc. 58 at 2-3; *Sanders v. Fluor Daniel, Inc.*,

151 F.R.D. 138, 139 (M.D. Fla. 1993), *aff'd sub nom. Sanders v. Fluor Daniels, Inc.*, 36 F.3d 93 (11th Cir. 1994) (quoting *Kersh v. Derozier*, 851 F.2d 1509, 1512 (5th Cir. 1988)). Plaintiff is also required to comply with the Middle District of Florida Local Rules. Continued failure to comply with the Court's Order or the Federal or Local Rules could result in the imposition of sanctions.

Further, under Rule 4 of the Federal Rules of Civil Procedure, if a plaintiff does not serve a defendant within ninety days after filing the complaint, the court must dismiss the action as to that defendant "or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Here, more than ninety days have passed since Plaintiff filed the Complaint and Plaintiff has not served Does 1-10. However, because the parties have not exchanged discovery requests, the Court will allow Plaintiff to identify and serve Defendants Does 1-10 on or before **October 26, 2018**. If Plaintiff does not identify and serve Does 1-10 by that date the Court may recommend dismissal of the Complaint as to Does 1-10.

ACCORDINGLY, it is

ORDERED:

1. Motion for Enlargement of Time to Conduct Rule 26(f) Conference and to Submit Case Management Report (Doc. 58) is **GRANTED**. The parties shall have up to and including **August 27, 2018** to conduct their case management conference and may conduct the conference by telephone.

2. Plaintiff shall identify and serve Defendants Does 1-10 **on or before October 26, 2018**. Failure to effect service by that date may result in the Court recommending dismissal as to those Defendants.

DONE and **ORDERED** in Fort Myers, Florida on this 23rd day of August, 2018.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Pro se parties