

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA and
ROBERT A. GREEN,

Plaintiffs,

v.

Case No: 5:11-cv-406-Oc-37TBS

INSTITUTE OF CARDIOVASCULAR
EXCELLENCE, PLLC, ICE HOLDINGS,
PLLC, ASAD ULLAH QAMAR and
HUMERA A. QAMAR,

Defendants.

ORDER

This case comes before the Court on Defendants' Unopposed Motion and Incorporated Memorandum to Extend the Time for Responsive Pleadings, to Extend Discovery Deadlines, and to Continue Trial Date (Doc. 82). Defendants' answers to Plaintiffs' and Intervenor's complaints are currently due by February 1, 2016 (Doc. 82 at 1). The Court has entered a Case Management and Scheduling Order ("CMSO") establishing the following additional deadlines:

Disclosure of Expert Reports	February 18, 2016
Discovery Deadline	May 6, 2016
Mediation	May 27, 2016
Dispositive and <u>Daubert</u> Motions	June 6, 2016
All other Motions	September 29, 2016
Joint Final Pretrial Statement	October 2, 2016
Final Pretrial Conference	October 20, 2016

(Doc. 65). Defendants seek an order extending all deadlines for three months to give the parties time to negotiate a resolution of this controversy and related proceedings. They argue that granting the motion will conserve the parties' resources and promote judicial economy if they are able to settle in advance of the proposed new deadlines (Doc. 82).

The CMSO states:

1. Dispositive Motions Deadline and Trial Not Extended - Motions to extend the dispositive motions deadline or to continue the trial are generally denied. *See* Local Rule 3.05(c)(2)(E). The Court will grant an exception only when necessary to prevent manifest injustice. A motion for a continuance of the trial is subject to denial if it fails to comply with Local Rule 3.09. The Court cannot extend a dispositive motion deadline to the eve of trial. In light of the district court's heavy trial calendar, at least four months are required before trial to receive memoranda in opposition to a motion for summary judgment, and to research and resolve the dispositive motion.

2. Extensions of Other Deadlines Disfavored - Motions for an extension of other deadlines established in this order, including motions for an extension of the discovery period, are disfavored. The deadline will not be extended absent a showing of good cause. Fed. R. Civ. P. 16(b); Local Rule 3.09(a). Failure to complete discovery within the time established by this Order shall not constitute cause for continuance. A motion to extend an established deadline normally will be denied if the motion fails to recite that: 1) the motion is joint or unopposed; 2) the additional discovery is necessary for specified reasons; 3) all parties agree that the extension will not affect the dispositive motions deadline and trial date; 4) all parties agree that any discovery conducted after the dispositive motions date established in this Order will not be available for summary judgment purposes; and 5) no party will use the granting of the extension in support of a motion to extend another date or deadline. The filing of a motion for extension of time does not toll the time for compliance with deadlines established by Rule or Order.

(Doc. 65 at 5).

After due consideration, Defendant's motion is **GRANTED in part**, and the parties shall comply with the following new deadlines:

Disclosure of Expert Reports	May 18, 2016
Discovery Deadline	August 8, 2016
Mediation	August 6, 2016

Discovery conducted after the dispositive motions deadline will not be available for summary judgment purposes.

Defendants have not shown why manifest injustice will result if the trial date and deadlines for dispositive and Daubert motions are not extended. Accordingly, the remainder of Defendants' motion is **DENIED**.

DONE and ORDERED in Orlando, Florida on December 11, 2015.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record