

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**RICHARD HIBBARD, JR. and
BROOKE HIBBARD,**

Plaintiffs,

v.

Case No: 5:14-cv-41-Oc-10PRL

**COUNTRY MUTUAL INSURANCE
COMPANY**

Defendant.

ORDER

On November 12, 2014, the Court heard oral argument on Defendant's motion for leave to amend its Answer and Affirmative Defenses (Doc. 24) to cite to a different version of an insurance policy exclusion. For the reasons stated discussed on the record at the hearing, it is **ORDERED**:

1. Defendant's motion for leave to amend its Answer and Affirmative Defenses (Doc. 24) is **GRANTED**. Although there may have been some neglect on the part of Defendant, there was no showing of bad faith or dilatory motives. Plaintiffs have been aware of Defendant's reliance on the different version of the policy exclusion since before this action was filed. Indeed, Plaintiffs even attached a copy of the exclusion to their Amended Complaint. Moreover, any prejudice caused by the amendment is cured by extending the case management deadlines as discussed below. The Clerk shall file Defendant's Amended Answer and Affirmative Defenses (filed as Exhibit C to Doc. 24) as a separate docket entry.

2. The discovery deadline is extended until **December 10, 2014** for the limited purpose


of Plaintiffs taking the deposition of Defendant's corporate representative and a person qualified to testify about underwriting. Defendant shall produce these witnesses at its expense in either Ocala or Tampa, at Plaintiffs' preference. Defendant shall also pay for the transcripts of these depositions.

3. Based on Plaintiffs' representation that they intend to file a new dispositive motion after conducting these depositions, Plaintiffs' motion for partial summary judgment (Doc. 25) is **DENIED** as **moot**. Plaintiffs' deadline to file a dispositive motion is extended until **December 31, 2014**.

4. Based on these new case deadlines, the case cannot proceed to trial in January 2015, as currently set. Accordingly, this matter is rescheduled for the trial term beginning **April 6, 2015**. The clerk shall issue a separate Order setting the final pretrial conference and trial.

5. On or before **November 26, 2014**, the parties shall confer and advise the Court if they would like to mediate before a Magistrate Judge (either myself or another Magistrate Judge not assigned to this case). In addition, they shall notify the Court by this date if they consent to trial before the undersigned, at which point the Court will schedule a telephonic case management conference and set the case for trial on a date certain.

DONE and **ORDERED** in Ocala, Florida on November 14, 2014.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties