

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

**AMAR SHAKTI ENTERPRISES, LLC;
ORLANDO LODGING ASSOCIATES,
LLP; RAM-LAKHAN, INC.; NATU
PATEL; SHIVA INVESTMENTS, LLC;
MHB, LLC; CABOT HOSPITALITY, LLC;
BAL KISHAN, INC.; TESHARA
INVESTMENTS, LLC,**

Plaintiffs,

-vs-

Case No. 6:10-cv-1857-Orl-31KRS

**WYNDHAM WORLDWIDE, INC.; SUPER
8 WORLDWIDE, INC. f/k/a Super 8 Motels,
Inc.; DAYS INNS OF AMERICA, II, INC.
f/k/a Days Inns of America, Inc.; DAYS
INNS WORLDWIDE, INC.; AMERIHOST
FRANCHISE SYSTEMS, INC.; RAMADA
WORLDWIDE, INC.,**

Defendants.

ORDER

This matter comes before the Court on the Motion to Extend Time to Complete Class Certification Discovery (Doc. 104), the Motion to Supplement the Motion to Extend Time (Doc. 105), and the Emergency Motion to Extend Time and For Oral Argument (Doc. 108) filed by the Plaintiffs, and the response in opposition (Doc. 106) to the first two motions filed by the Defendants. The Defendants have not filed a response to the emergency motion. The Plaintiffs seek an extension of the deadline for filing a motion for class certification. That deadline is currently February 10, 2012.

The instant case was filed on December 10, 2010. The Case Management and Scheduling Order (Doc. 65), entered on August 30, 2011, set December 30, 2011 as the deadline for discovery regarding class certification, and required the Plaintiffs to file their motion for class certification on or before February 10, 2010. On November 22, 2011, the parties jointly requested (and were granted) an extension of the class certification discovery deadline from December 30, 2011 to January 31, 2012. (Doc. 93). In that motion, the parties stated that the extension of the discovery deadline “will not result in an extension of any other deadlines in this case.” (Doc. 93 at 2) (emphasis in original).

The Plaintiffs now seek an extension of another deadline in this case. Primarily, they rely upon the fact that they received 150,000 pages of documents from the Defendants during the week of January 21, 2012, and another 300,000 pages of documents on the day discovery closed, January 31, 2012. They argue that they cannot review the documents in time to prepare their class certification motion. However, the Plaintiffs do not identify the documents or offer any explanation as to what information they contain that must be reviewed before filing the motion. Moreover, even if the Plaintiffs had shown the necessity of reviewing these particular documents before the filing deadline, they have not shown that their inability to do so resulted from anything other than a lack of diligence on their part. They have not identified the date(s) when they requested the documents, shown that they filed a motion to compel or anything of that nature to

obtain them sufficiently in advance of the filing deadline. Under these circumstances, the Court finds that the Plaintiffs have not shown that the deadline for filing a class certification motion should be extended. Accordingly, it is hereby

ORDERED that the Motion to Extend Time to Complete Class Certification Discovery (Doc. 104), the Motion to Supplement the Motion to Extend Time (Doc. 105), and the Emergency Motion to Extend Time and For Oral Argument (Doc. 108) are **DENIED**.

DONE and ORDERED in Chambers, Orlando, Florida on February 7, 2012.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party