

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

COACH, INC., COACH SERVICES, INC.,

Plaintiffs,

v.

Case No. 6:11-cv-1905-Orl-19KRS

VISITORS FLEA MARKET, LLC, DELROY  
JOSEPHS, JULIO BATISTA, ET AL.,

Defendants.

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ORDER

Pending before the Court is Defendants' Motion to Reset Final Pretrial Conference (Doc. 152).

The motion includes defense counsel's Local Rule 3.01(g) certificate stating that he has conferred with Plaintiffs' counsel "and that the issues should be brought to the Court's attention for review and consideration." (Id., p. 2). Local Rule 3.01(g) requires counsel to confer in good faith and include in most motions a statement whether counsel agree on the resolution of the motion. Defendant's certificate does not comply with the Local Rule. In most circumstances, this would be sufficient reason to deny the motion.

On October 7, 2013, the Court entered its Second Amended Case Management and Scheduling Order revising the case schedule including setting new dates for counsel's in-person meeting to prepare their Joint Final Pretrial Statement and the filing of their Joint Final Pretrial Statement. (Doc. 149). The new case management schedule negates the rationale for holding a final pretrial conference on

October 15, 2013. Accordingly, despite counsel's failure to comply with Rule 3.01(g), the motion is GRANTED. The final pretrial conference currently scheduled for October 15, 2013 is CANCELLED. I will not set a new final pretrial conference unless the district judge refers the case to me for that purpose.

DONE AND ORDERED in Orlando, Florida, on October 11, 2013.



THOMAS B. SMITH  
United States Magistrate Judge

Copies to all Counsel