

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CAUSEWAY LANDINGS, LTD., CAUSEWAY
LANDINGS PARK, LLC, FL TAX HOLDINGS
2010, LTD., et al.,

Plaintiffs,

v.

Case No. 6:13-cv-291-Orl-36TBS

CITY OF NEW SMYRNA BEACH, FLORIDA,

Defendant.

ORDER

Pending before the Court is Defendant, City of New Smyrna Beach's Unopposed Motion for Extension of Time (Doc. 42). Plaintiff seeks additional time to depose two witnesses and that the dispositive and Daubert motion deadlines be extended.

The Court's Case Management and Scheduling Order ("CMSO") provides that "[m]otions to extend the dispositive motions deadline or to continue the trial are generally denied," and that "[t]he Court will grant an exception only when necessary to prevent manifest injustice." (Doc. 19, p. 5). The CMSO also states that motions to extend other deadlines are disfavored, and that motions to extend will normally be denied unless they recite that: "1) the additional discovery is necessary for specified reasons; 2) all parties agree that the extension will not affect the dispositive motions deadline and trial date; 3) all parties agree that any discovery conducted after the dispositive motions date established in [the CMSO] will not be available for summary

judgment purposes; and 4) no party will use the granting of the extension in support of a motion to extend another date or deadline.” (Id., p. 5-6).

The CMSO was previously amended on October 25, 2013 at the parties’ request to give them additional time to conduct discovery, and file dispositive and Daubert motions. (Docs. 38-39). Then, on December 9, 2013, the Court further extended the discovery deadline to January 17, 2014. (Doc. 41).

Now, the motion to extend the discovery deadline to February 21, 2014, for the limited purpose of deposing witnesses Dan Silvestri and Paul Missigman is GRANTED. This extension does not affect the dispositive motions deadline and, if the discovery is not completed until after the date for filing dispositive motions, the additional discovery will not be available for summary judgment purposes.

The motion to extend the deadline for filing dispositive and Daubert motions is DENIED. Plaintiff has failed to show that extension of the dispositive motions deadline is necessary to prevent manifest injustice. And, extension of the dispositive and Daubert motion deadlines would increase the Court’s burden by reducing the amount of time within to dispose of those motions in advance of trial.

DONE AND ORDERED in Orlando, Florida, on January 17, 2014.



THOMAS B. SMITH
United States Magistrate Judge

Copies to all Counsel