

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

HAROLD SMITH; LAURA SMITH; and
SHANIKQUA SMITH,

Plaintiffs,

v.

Case No. 6:14-cv-1704-Orl-37TBS

ALAN J. CONFREDA; SHERIFF OF
BREVARD COUNTY, FLORIDA; BRIAN
GUILFORD; and BRIAN STOLL,

Defendants.

ORDER

This cause is before the Court on the parties' Joint Motion to Hold Attorney Meeting for Joint Final Pretrial Statement by Telephone (Doc. 89), filed May 16, 2016. The parties to this civil rights action jointly move for leave to conduct the meeting to prepare their joint pretrial statement by phone ("**Motion**"). (*Id.*) In support, the parties represent that: (1) Plaintiffs' counsel is located in Hollywood, Florida, and Defendants' counsel is located in Orlando, Florida; (2) counsel are familiar with the "documentation concerning the incident" at issue; and (3) the "factual and legal matters . . . are not complex." (*Id.* at 1–2.)

The Court's Case Management and Scheduling Order ("**CMSO**") explicitly requires that lead counsel for all parties meet "*in person*" to prepare their joint pretrial statement. (Doc. 22, p. 7.) This instruction is strategically included in the CMSO: (1) based on the Court's experience with unanticipated issues that require resolution during the meeting; (2) to create an environment conducive to "thoroughly and exhaustively discuss[ing] settlement," "stipulat[ing] to as many facts and issues as possible," and properly


examining and preparing trial exhibits (see Doc. 22, pp. 7–8); and (3) to prevent wasteful pretrial activities and assist the Court in “secur[ing] the just, speedy, and inexpensive determination of the action” (*id.* at 2).

The CMSO was issued on January 23, 2015; counsel have had nearly a year and a half to coordinate their schedules to conduct the in-person meeting and have failed to show good cause for their inability to do so. As such, the Motion is due to be denied.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that the Joint Motion to Hold Attorney Meeting for Joint Final Pretrial Statement by Telephone (Doc. 89) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 16, 2016.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record