

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

OTHA K. JOHNSON,

Plaintiff,

v.

Case No: 6:16-cv-941-Orl-40TBS

CITY OF DAYTONA BEACH, MICHAEL  
CHITWOOD, BRIAN BIDDIX,  
DAWNMARI DENISE HARRIS and  
TIMOTHY BLOWERS,

Defendants.

---

**ORDER**

This case comes before the Court without oral argument on Defendants' Unopposed Motion for Extension of Time to File Dispositive Motions (Doc. 47). The Case Management and Scheduling Order ("CMSO") governing the case established a June 1, 2017 deadline for the filing of dispositive motions (Doc. 31 at 2). The case is set for trial during the term beginning October 2, 2017 (Id.). Defendants are asking the Court to extend the dispositive motions deadline to June 26, 2017, in anticipation that the City Commission of Daytona Beach will approve a settlement in advance of that date (Doc. 47 at 2). The CMSO informed the parties that:

**1. Dispositive Motions Deadline and Trial Not Extended -** Motions to extend the dispositive motions deadline or to continue trial are generally denied. *See* Local Rule 3.05(c)(2)(E). The Court will grant an exception only when necessary to prevent manifest injustice. A motion for a continuance of the trial is subject to denial if it fails to comply with Local Rule 3.09. The Court cannot extend a dispositive motions deadline to the eve of trial. In light of the district court's heavy felony trial calendar, at least 4 months are required before trial to receive memoranda in opposition to a motion for

summary judgment and to research and resolve the dispositive motion sufficiently in advance of trial.

(Doc. 31 at 6). Denial of Defendants' motion will not will result in manifest injustice and, if the motion was granted, the Court would not have sufficient time to decide dispositive motions in advance of trial. For these reasons, the motion is **DENIED**.

**DONE and ORDERED** in Orlando, Florida on May 30, 2017.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties