

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

KENNETH SPINELLI, et al.,

Plaintiffs,

v.

Case No. 8:08-cv-132-T-33EAJ

CAPITAL ONE BANK and CAPITAL
ONE SERVICES, INC.,

Defendants.

_____ /

ORDER

This cause comes before the Court pursuant to Plaintiffs' Unopposed Motion to Extend Scheduling Deadlines (Doc. # 60), which was filed on March 12, 2009.

Plaintiffs seek an order extending the deadlines contained in this Court's May 21, 2008, Case Management and Scheduling Order. (Doc. # 24). Plaintiffs explain that their amended motion for class certification (Doc. # 55) is pending before this Court and that this Court's decision regarding class certification will dictate the remainder of the discovery to be taken in this case.

Specifically, Plaintiffs note that "Plaintiffs have scheduled 30(b)(6) depositions for representatives of the Defendant corporation, but have agreed with Defendants that those depositions will be postponed pending the Court's decision concerning certification of the class." (Doc. # 60 at

2). Plaintiffs additionally "ask the Court to extend each of the deadlines in the scheduling order by 90 days, with the new deadlines beginning from the date of the Court's decision on the class certification issue." (Id.).

An extension of the Court's case management deadlines is certainly appropriate under the circumstances of this case; however, the extension that Plaintiffs seek is somewhat impractical. Plaintiffs' amended motion for class certification is not yet ripe; therefore, this Court cannot determine when it will make its final decision regarding class certification. A scheduling order with dates contingent upon the date of a separate ruling is not consistent with this Court's standard procedures. Thus, this Court will extend the deadlines as set forth in the Case Management and Scheduling Order by 120 days.


Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

1. Plaintiffs' Unopposed Motion to Extend Scheduling Deadlines (Doc. # 60) is **GRANTED**.
2. The Clerk is directed to issue an amended Case Management

and Scheduling Order that extends all deadlines by 120 days.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 17th day of March, 2009.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to:

All Counsel of Record