

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARK G. COMERFORD,
Plaintiff,

vs.

Case No.:8:08-CV-648-T-33TBM

JOHN E. POTTER, Postmaster
General U. S. Postal Service,
Defendant.

A M E N D E D
CASE MANAGEMENT AND SCHEDULING ORDER

1. **TRIAL**: This case is scheduled for a *jury* trial in Tampa, Florida, during the weeks of ***August 3, 10, 17, 24 & 31, 2009***. Estimated length of trial is 6 to 7 days.
2. **PRETRIAL CONFERENCE**: A Pretrial Conference will be held before the Honorable Virginia M. Hernandez Covington, United States District Judge, in the Sam M. Gibbons United States Courthouse, Courtroom 14B, Fourteenth Floor, Tampa, Florida, on ***Thursday, July 9th, 2009, at 9:00 a.m.*** Parties are directed to meet the pretrial disclosure requirements and deadlines in Fed. R.Civ. P. 26(a)(3) and to adhere to all requirements in Local Rule 3.06 concerning final pretrial procedures. The parties shall file a **JOINT** Pretrial Statement no later than three (3) days before the date of the Pretrial Conference. Failure to do so, may result in the imposition of sanctions. The Pretrial Conference shall be attended by lead trial counsel who is vested with full authority to make agreements touching on all matters pertaining to the trial.
3. **DISCOVERY CUTOFF**: All discovery is to be completed by the parties on or before ***February 28th, 2009***.
4. **DISPOSITIVE MOTIONS CUTOFF**: Dispositive motions shall be filed on or before ***March 31st, 2009***.
5. **MEDIATION**: The parties shall participate in court-annexed mediation on or before ***March 15th, 2009***. The parties shall file a stipulation selecting a mediator within sixty (60) days of the date of this order. The list of certified mediators is available in the Clerk's Office or on the internet at www.flmd.uscourts.gov under "Attorney Resources." **Additionally, at least 45 days prior to the mediation deadline, Plaintiff shall file a notice that informs the Court of the date on which the parties' mediation is scheduled.**

6. Motions to amend any pleading or to continue the pretrial conference, trial or any other scheduled deadlines are distinctly disfavored after entry of the Case Management and Scheduling Order. (See Local Rules 3.05(c)(2)(E) and 3.05(c)(3)(D)).


7. **SUMMARY JUDGMENT PROCEDURES:** The following procedures shall be followed by the parties:

- (a) A party's claims or defenses for which summary judgment is sought shall be presented in a single motion and legal memorandum. Multiple motions for summary judgment will not be permitted.
- (b) Any party opposing a summary judgment motion shall file a memorandum of law in opposition no later than twenty (20) days after the filing date of the motion.
- (c) Pursuant to Rule 56(c), Fed.R.Civ.P., as interpreted by the Eleventh Circuit Court of Appeals, the parties are hereby put on notice that the Court will take any motion for summary judgment and all materials in support or in opposition thereto under advisement as of the last day for filing pleadings pertaining to the motion for summary judgment, as that date is mandated by the rules of procedure or by order of the Court. **Failure to respond to a motion for summary judgment shall indicate there is no opposition to the motion and may result in final judgment being entered without a trial or other proceeding.**
- (d) Motions to extend time or to alter any requirements set forth in this order or the other rules governing summary judgment motions, including the page limit for memoranda of law pursuant to the Local Rules, are distinctly disfavored.
- (e) Oral argument or hearings will generally **NOT** be held on the motion.

8. **CONSENT TO TRIAL BY MAGISTRATE JUDGE:** In accordance with 28 U.S.C. 636(c) and Fed.R.Civ.P.73, the parties may consent to have the assigned United States Magistrate Judge conduct any and all further proceedings in this case, including the trial.

9. **SETTLEMENTS:** Counsel shall immediately notify Chambers or the Courtroom Deputy Clerk if their case has settled. (See Local Rule 3.08). Notices of settlement must be in writing.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 26th day of January, 2009.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record