

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DUNEDIN DEVELOPMENT CO., LLC, ET
AL.,

Plaintiffs,

v.

Case No. 8:09-cv-303-T-33AEP

CITY OF DUNEDIN, FLORIDA,

Defendant.

_____ /

ORDER

This matter is before the Court pursuant to the parties' joint stipulation and motion requesting that the Court reaffirm its Order granting stay and extend the current stay that expires on October 25, 2010, to October 28, 2010 (Doc. # 83). The present extension motion is the fifth of its kind filed by the parties so far in this case. The Court grants the motion; however, no further extensions of the stay will be granted henceforth.

Analysis

Plaintiffs filed this action in state court on January 7, 2009. (Doc. # 1-1). The City removed the case to this court on February 19, 2009. (Doc. # 1). This case is set for a December 2010 jury trial with a pretrial conference scheduled

to take place on November 5, 2010. (Doc. # 46).¹ After the City moved for summary judgment (Doc. # 66) but before Plaintiffs' response became due, the parties jointly moved for a stay of this case, explaining: "in order to address several issues, the parties have agreed that the above litigation should be stayed in order to allow the parties to continue the mediation and gather additional information that is necessary with respect to any potential agreement between the parties. This process will take additional time." (Doc. # 75 at 1-2).

In an effort to facilitate the parties' "potential agreement," the Court granted the initial extension motion and stayed the case until September 17, 2010. (Doc. # 76). Thereafter, the parties filed successive extension motions (Doc. ## 77, 79, 81). The Court granted each motion. (Doc. ## 78, 80, 82). In the present motion, the parties request that the Court extend the stay of the case through October 28, 2010, and extend the time for Plaintiffs to respond to the City's motion for summary judgment until November 5, 2010, "in

¹ The Court notes that it has enlarged the deadlines of its governing Case Management and Scheduling Order on multiple occasions pursuant to the parties' requests. (Doc. ## 26, 43, 46). Notably, this case was originally set for a jury trial during the Court's August 2010 trial term. (Doc. # 26).

light of continued settlement discussions between the parties." (Doc. # 83 at 2).

The Court grants the requested extension; however, as the pretrial conference is scheduled to take place on November 5, 2010, the Court sua sponte postpones the pretrial conference. The Court will reset the pretrial conference and trial date after the expiration of the stay.

Furthermore, the Court advises the parties that no further extensions will be granted. The Court "must take an active role in managing cases on [its] docket." Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1366 (11th Cir. 1997). As further stated in Chudasama, this Court enjoys broad discretion "in deciding how best to manage the cases before [it]." Id. To ensure the just, speedy, and inexpensive determination of this action as required by Rule 1, Fed.R.Civ.P., no further extensions will be granted, absent extraordinary circumstances.

Accordingly, it is hereby

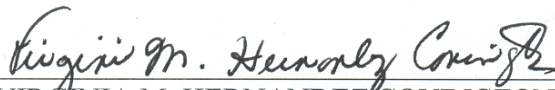
ORDERED, ADJUDGED, and DECREED:

- (1) The parties' joint stipulation and motion requesting that the Court reaffirm its Order granting stay and extend the

current stay that expires on October 25, 2010, to October 28, 2010 (Doc. # 83) is **GRANTED**.

- (2) This case shall remain stayed until October 28, 2010. The Court will lift the stay of this case on October 29, 2010, regardless of whether the parties have concluded their protracted settlement discussions.
- (3) The Plaintiffs' response to the City's motion for summary judgment is due on or before November 5, 2010.
- (4) The pretrial conference is postponed. The Court will issue a separate order resetting the pretrial conference and trial date via separate order after the expiration of the stay.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 21st day of October 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record