

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

**TY BRUGGEMANN, et al.,**

**Plaintiffs,**

**v.**

**Case No. 8:09-cv-2562-T-30MAP**

**THE AMACORE GROUP, INC., et al.,**

**Defendants.**

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**ORDER**

THIS CAUSE comes before the Court upon Defendants' Jay Shafer and the Amacore Group, Inc's Motion to Extend Dispositive Motion Deadline and Motion to Continue Jury Trial for Ninety Days (Dkt. 186), Defendant Clark Marcus's Motion to Modify Case Management Order or, in the Alternative, to Extend Deadline to File Dispositive Motion (Dkt. 188), and Plaintiffs' Response in opposition (Dkt. 191).

This is Defendants' Jay Shafer and the Amacore Group, Inc.'s third request for an extension of the dispositive motion deadline. Their reason for yet another extension is that expert discovery is not completed as a result of Plaintiffs' delay in the scheduling of their depositions. Importantly, the delay of the scheduling of one of the Plaintiffs' depositions due to weather was the reason stated for these Defendants' second request for an extension of time. At no time was expert discovery mentioned. Indeed, the second request merely stated that the last of Plaintiffs' depositions was to be taken on February 23, 2011, and Defendants needed until March 10, 2011, to review the transcript and file their dispositive motion.

Now, suddenly, these Defendants ask this Court to provide them with an extension of the dispositive motion until “the completion of expert discovery” and continue the jury trial for ninety days (Dkt. 186). These requests are denied in their entirety. Given the fact that the March 10, 2011 dispositive motion deadline has now expired, Defendants have until the end of the day, today, to file their dispositive motion.

Defendant Clark Marcus also moves to modify the case management order or, in the alternative, to extend the deadline to file his dispositive motion because he was recently added to this case and has obtained new counsel. Mr. Marcus was brought into this case in November 2010 and he is correct that this was well after the Court’s entry of the April 14, 2010 Case Management Scheduling Order. He, however, states no reason as to why he waited until just now to seek extensions of the case management deadlines. Marcus’s prior counsel, Ms. Whittington, was well aware of these deadlines. Accordingly, Marcus’s motion is granted in part, solely as to his alternative request that he receive a one-week extension of time to file his dispositive motion.

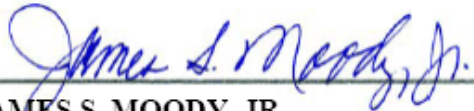
It is therefore ORDERED AND ADJUDGED that:

1. Defendants’ Jay Shafer and the Amacore Group, Inc’s Motion to Extend Dispositive Motion Deadline and Motion to Continue Jury Trial for Ninety Days (Dkt. 186) is hereby DENIED. These Defendants shall have until the end of the day today to file a dispositive motion.

2. Defendant Clark Marcus’s Motion to Modify Case Management Order or, in the Alternative, to Extend Deadline to File Dispositive Motions (Dkt. 188) is hereby

GRANTED IN PART. Mr. Marcus's dispositive motion deadline is extended to March 18, 2011 and must be filed by that time.

**DONE** and **ORDERED** in Tampa, Florida on March 11, 2011.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

**Copies furnished to:**  
Counsel/Parties of Record

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