

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

**SHAWN THOMAS KALETA, an individual,
BEACH TO BAY CONSTRUCTION, LLC,
a Florida limited liability company,**

Plaintiff,

v.

Case No.: 8:16-cv-347-T-27AAS

CITY OF ANNA MARIA,

Defendants.

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ORDER

This matter comes before the Court on Defendant's Motion to Strike or Dismiss Plaintiffs' Damages Claim or, in the Alternative, Motion to Compel, with Request for Expedited Briefing Schedule, Extension of Deadlines, and Award of Fees and Costs (Doc. 47), and response thereto (Doc. 51). On June 6, 2017, the parties appeared before the undersigned for a hearing on this matter.

As stated on the record at the hearing, it is **ORDERED** that Defendant's Motion (Doc. 47) is **GRANTED in part and DENIED in part**, as follows:

- (1) Defendant's Motion to Strike or Dismiss Plaintiffs' Damages Claim is **DENIED**.
- (2) Defendant's Motion to Compel is **GRANTED** as to certain documents supporting the monetary amounts listed in Exhibit F to Plaintiffs' Expert Report. Specifically, no later than **June 7, 2017 at 12:00 p.m.**, Plaintiffs shall provide the closing documents supporting the sale of the properties referenced on the spreadsheet in Exhibit F to Plaintiffs' Expert Report. In addition, no later than **June 13, 2017 at 12:00 p.m.**, Plaintiffs shall provide Defendant documents

supporting the itemized construction costs over \$40,000 for the following properties: 414 Pine Avenue, 113 Maple Avenue, 223 Willow Ave., 303 South Bay Boulevard, 215 Magnolia, 209 Magnolia, 211 Magnolia, 213 Magnolia, 110 Gull Drive, and 230 Lakeview.

(3) Defendant's Motion for Extension of Deadlines is **GRANTED**. Any rebuttal expert reports are due by **June 15, 2017**. Discovery is extended until **June 30, 2017**, for the limited purpose of taking the depositions of Plaintiffs' corporate representative in relation to Plaintiffs' damages claim,¹ each parties' experts (four depositions total), and Mr. Bruce McLaughlin (another fact witness orally identified by Plaintiffs at the hearing). Dispositive and Daubert motions are due by **July 10, 2017**. All other deadlines remain in effect.

(4) The parties shall bear their own attorneys' fees and costs incurred in relation to this motion.

DONE AND ORDERED in Tampa, Florida on this 6th day of June, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

¹ At the hearing, Defendant indicated that this deposition is anticipated to last less than half of a day.