

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

IDENTITY STRONGHOLD, LLC,

Plaintiff,

v.

Case No: 8:16-cv-868-T-35AAS

MICHAEL ZEIDNER, et al.,

Defendants.

ORDER

Identity Stronghold requests an enlargement of time to disclose its expert reports. (Doc. 150). The defendants object. (Doc. 152).

Under the Amended Case Management and Scheduling Order, Identity Stronghold's deadline to disclose its expert report was April 4, 2018. (Doc. 146). On the day its expert report was due, Identity Stronghold submitted this current motion requesting the deadline to disclose its expert report be extended by thirty days. (Doc. 150). In response, the defendants claim Identity Stronghold's request would prejudice the defendants because a thirty-day extension would extend expert discovery past the deadlines for discovery and dispositive motions. (Doc. 152, p. 2).

Once the court enters a scheduling order, that order may be modified for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4). Good cause requires the moving party to show the scheduling order cannot be met despite the moving party's due diligence. *S. Grouts & Mortars, Inc. v 3M Co.*, 575 F.3d 1235, 1241 n.3 (11th Cir. 2009) (citation omitted).

Here, Identity Stronghold submitted its expert witness disclosure. (Doc. 150, pp. 1–2). However, Identity Stronghold's disclosure only included the name of its expert witness and the summary of its expert's opinion. (*Id.* at 2). Also, Identity Stronghold's expert disclosure was

“subject to the objection and a request for extension for the report itself.” (Doc. 150, pp. 1–2). According to Identity Stronghold, it could not disclose its entire expert report because the defendants failed to provide Identity Stronghold with documents needed for Identity Stronghold to complete its expert report. (Doc. 150, p. 2).

Identity stronghold satisfactorily established sufficient good cause for modifying the Amended Case Management and Scheduling Order to briefly extend the deadline for submitting its entire expert witness disclosure. However, Identity has not provided good cause for a thirty-day extension plus such a long extension would conflict with the defendants’ deadline for disclosing its’ expert reports (May 4, 2018) and likely affect the discovery deadline (May 18, 2018). Therefore, a brief extension is appropriate under these circumstances.

After consideration, it is **ORDERED** that Identity Stronghold’s motion for an enlargement of time to submit its expert report is **GRANTED in part**. Identity Stronghold must disclose its complete expert report by **April 20, 2018**.

ORDERED in Tampa, Florida on this 13th day of April, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge