

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ADAMS ARMS, LLC,

Plaintiff,

v.

Case No. 8:16-cv-1503-T-33AEP

UNIFIED WEAPON SYSTEMS, INC.
et al.,

Defendants.

ORDER

This cause is before the Court pursuant to Adams Arms, LLC's Unopposed Motion for Extension of Case Deadlines (Doc. # 145), which was filed on January 18, 2017. The Court grants the Motion as follows.

Discussion

Adams Arms initiated this action by filing its Complaint on June 10, 2016. (Doc. # 1). Thereafter, on June 16, 2016, Adams Arms filed a Motion for a Preliminary Injunction. (Doc. # 13). The Magistrate Judge set a hearing on the Motion for Preliminary Injunction for July 21, 2016. (Doc. # 22). This Court set a Case Management Hearing for July 20, 2016. (Doc. # 34). On July 8, 2016, the parties filed a Case Management Report. (Doc. # 36). With respect to mediation, the Case Management Report stated: "The parties are working to schedule a mediation prior to the preliminary injunction hearing and will update this section once that is finalized." (Id. at 2).

During the Case Management Hearing, the parties advised

the Court that they were able to resolve the Motion for Preliminary Injunction during an early settlement conference. The Court accordingly denied the Motion for Preliminary Injunction as moot. (Doc. # 71).

The parties and the Court also discussed the operative case management deadlines. The Court filed the Case Management and Scheduling Order (Doc. # 72) on July 20, 2016, containing the following relevant deadlines:

- Plaintiff's Expert Disclosure: January 20, 2017;
- Defendants' Expert Disclosure: February 17, 2017;
- Discovery Deadline: April 14, 2017;
- Dispositive Motions: May 19, 2017;
- Motions in Limine: July 14, 2017;
- Meeting to Prepare Pretrial Statement: July 31, 2017;
- File Joint Pretrial Statement: August 10, 2017;
- Final Pretrial Conference: August 17, 2017;
- Beginning of Trial Term: September 5, 2017; and
- Mediation Deadline: April 21, 2017. The parties selected Bradford Kimbro, Esq., Certified Mediator, to preside over the mediation conference.

At this juncture, Adams Arms has filed an unopposed Motion requesting an extension of some, but not all, of the case management deadlines, stating: "the parties are seeking to resolve this matter voluntarily, and the extension would allow time to pursue a possible resolution while also allowing

adequate time for discovery. (Doc. # 145 at 1). Adams Arms requests roughly a one month extension of the expert disclosure deadline, the discovery deadline, the dispositive motions deadline, and the motions in limine deadline. However, Adams Arms suggests that the Court need not alter the pretrial and trial dates and deadlines. Particularly, Adams Arms requests an Order establishing June 19, 2017, as the dispositive motions deadline and maintaining an August 17, 2017 pretrial conference. With 30 days allotted for responses to dispositive motions and an additional 14 days for reply memoranda, under Adams Arms' suggested schedule, the Court would be left with a mere 15 days to deliver an opinion on ripe dispositive motions.

In the initial Case Management and Scheduling Order, the Court explained:

Dispositive Motions Deadline and Trial Not Extended
- Motions to extend the dispositive motions deadline or to continue the trial are generally denied. See Local Rule 3.05(c)(2)(E). The Court will grant an exception only when necessary to prevent manifest injustice. A motion for a continuance of the trial is subject to denial if it fails to comply with Local Rule 3.09. The Court cannot extend a dispositive motion deadline to the eve of trial. **In light of the district court's heavy trial calendar, a period of at least four months is required before trial to receive memoranda in opposition to a motion for summary judgment, and to research and resolve the dispositive motion.**

(Doc. # 72 at 4)(emphasis added).

The Court finds good cause to grant the extension requested, and directs the Clerk to enter an Amended Case Management and Scheduling Order; however, the Court will also sua sponte enlarge the pretrial and trial period so that sufficient time is allotted for the adjudication of dispositive motions. Specifically, the Court requires a four month period between the filing of dispositive motions and the pretrial conference.

In addition, although Adams Arms' Extension Motion highlights the prospect of a pending settlement, the Motion makes no mention of mediation and does not appear to request an enlargement of the mediation deadline of April 21, 2017. Adams Arms, as the plaintiff, is responsible for moving this case forward. "Plaintiff is responsible for investigating and prosecuting his case." Ellis v. Moody, No. 7:12-cv-85, 2013 U.S. Dist. LEXIS 89869, at *20-21 (M.D. Ga. May 30, 2013). Adams Arms is accordingly directed to file a Notice of Mediation containing the date, time, and location of the mediation conference with Bradford Kimbro, Esq., or another certified mediator that all parties agree to, by **January 27, 2017**.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED that:

(1) Adams Arms, LLC's Unopposed Motion for Extension of Case

Deadlines (Doc. # 145) is **GRANTED** consistent with the foregoing.

- (2) The Clerk is directed to issue an Amended Case Management and Scheduling Order tracking Adams Arms' suggested dates, but allotting four months between the dispositive motions deadline and the pretrial conference.
- (3) Adams Arms shall file a Notice of Mediation containing the date, time, and location of the mediation conference with Bradford Kimbro, Esq., or another certified mediator that all parties agree to, by **January 27, 2017**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 20th day of January, 2017.

A rectangular area with a light orange background containing a handwritten signature in dark ink. The signature is partially obscured and appears to be a name followed by a date, possibly "Bradford Kimbro 1/19".