

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LICARI FAMILY CHIROPRACTIC INC.
and PETER LICARI,

Plaintiffs,

v.

Case No: 8:16-cv-3461-T-35JSS

ECLINICAL WORKS, LLC,

Defendant.

/

ORDER

THIS MATTER is before the Court on Defendant's Motion to Extend Deadline ("Motion"). (Dkt. 52.) Defendant seeks to extend the deadline to respond to Plaintiffs' Rule 23 Motion for Class Certification from November 24, 2017 to January 31, 2018. (Dkt. 52.) Plaintiffs oppose the requested extension, but do not oppose an extension through December 15, 2017. (Dkt. 52.) Plaintiffs did not respond to the Motion.

Pursuant to the Court's Case Management and Scheduling Order ("CMSO"), Defendant's response to Plaintiffs' Motion for Class Certification was originally due by September 8, 2017. (Dkt. 33.) The Court has previously extended Defendant's deadline to respond to Plaintiffs' Motion for Class Certification twice. (Dkts. 41, 47.) In its Motion, Defendant contends that it needs additional time to complete discovery, including identifying which members of Plaintiffs' proposed class consented to receiving Defendant's fax. (Dkt. 52 at 3-4.) Defendant also argues that it needs the extension due to scheduling conflicts in the month of December 2017, including attending trial and planned holiday travel. (Dkt. 52 at 3.) Defendant states that there will be no prejudice to Plaintiffs in extending the deadline and the extension will not affect any additional deadlines in this matter. (Dkt. 52 at 5.) Upon consideration, the Court finds Defendant has shown

good cause to modify the previous deadline. *See* Fed. R. Civ. P. 16 (b)(4). However, class certification issues must be resolved at “an early practicable time” and in accordance with the Court’s CMSO. (Dkt. 33.) *See* Fed. R. Civ. P. 23(c)(1)(A). Accordingly, it is

ORDERED:

1. Defendant’s Motion to Extend Deadline (Dkt. 52) is **GRANTED** in part and **DENIED** in part. The deadline for Defendant to respond to Plaintiffs’ Motion for Class Certification is extended through January 12, 2018.
2. No further extensions of this deadline will be granted.

DONE and **ORDERED** in Tampa, Florida, on November 8, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record