

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

NORMAN FREEMAN,
and CHRISTY FREEMAN

Plaintiffs,

v.

CASE NO. 5:12-cv-6-RS-GRJ

OLIN CORPORATION
D/B/A WINCHESTER CORPORATION,
a foreign corporation, et al.,

Defendants.

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ORDER

This matter is before the Court upon Defendants' Motion for Extension of Discovery and Pretrial Deadlines and Trial Date. (Doc. 68.) Defendants request the Court to extend the discovery deadline and associated pretrial deadlines, as well as the trial date, by at least sixty days. Defendants say that such an extension is necessary because of Plaintiffs' delay in providing available dates for Plaintiffs' depositions and for mediation. Defendants say that Plaintiffs have also failed thus far to provide all requested discovery. Defendants represent that they have conferred with Plaintiff Norman Freeman, who has stated that his wife has spent some time in the hospital and that this has caused some delay. Defendants represent that Plaintiffs do not object to the requested extension of time. For the reasons set forth below, the Court will grant an extension of the discovery deadline, originally set for December 3, 2012, until December 31, 2012. The trial date will remain March 11, 2013.

This case has been pending in federal court since January 6, 2012. (Doc. 1.)

Plaintiffs' refusal to provide discovery and initial disclosures prompted a Motion to Compel, which was granted on September 6, 2012. (Doc. 45.) The Court granted attorney's fees to Defendants on October 2, 2012. (Doc. 56.) While the Court recognizes that Plaintiffs' ongoing delays in providing discovery and dates for depositions and mediation has delayed the case, the Court finds that a sixty-day extension of all deadlines is not justified under the present circumstances. The Court also finds that at this time, there is no justification for an extension of the trial date.

The Court finds instead that a four-week extension of time will enable the parties to complete discovery, and will extend the deadline for discovery to December 31, 2012. This extension will permit the parties to complete discovery while still allowing adequate time between the close of discovery and trial. In order to facilitate the completion of discovery by this date, the Court will require Plaintiffs to provide at least three dates on which they will be available to conduct depositions and mediation. Plaintiffs must also provide to Defendants any remaining documents that were the subject of the previous Motion to Compel. Plaintiffs are cautioned that failure to cooperate with Defendants in scheduling and providing discovery may result in the imposition of further sanctions, including but not limited to monetary penalties and dismissal.

Accordingly, it is **ORDERED**:

1. Defendants' Motion for Extension of Discovery and Pretrial Deadlines and Trial Date, Doc. 68, is **GRANTED in part and DENIED in part**.
2. The discovery deadline is extended to **December 31, 2012**. All associated deadlines set forth in the Scheduling and Mediation Order, Doc. 38, are modified accordingly.

3. Plaintiffs must provide to Defendants the dates on which they will be available for depositions and for mediation, **on or before November 14, 2012**. Plaintiffs must provide any additional documents that were the subject of Defendants' Motion to Compel, Doc. 39, by the same date.

DONE AND ORDERED this 7th day of November 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge