

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-61738-CIV-ZLOCH

CAROLINA ACQUISITION, LLC,

Plaintiff,

vs.

**ORDER RESETTING
PRE-TRIAL CONFERENCE**

DOUBLE BILLED, LLC, et al.

Defendants.
_____ /

THIS MATTER is before the Court upon Plaintiff Carolina Acquisition, LLC's Motion For Leave To Amend Complaint (DE 116). The Court has carefully reviewed said Motion and the entire court file and is otherwise fully advised in the premises.

Rule 15 of the Federal Rules of Civil Procedure provides that leave to amend a pleading "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). The Supreme Court has held that district courts are required to grant such leave to amend in the absence of reasons for denial such as "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc." Foman v. Davis, 371 U.S. 178, 182 (1962). The Eleventh Circuit has held that "[u]nless there is a substantial reason to deny leave to amend, the discretion of the district court is not broad enough to permit denial." Epey v. Wainwright, 734 F.2d 748, 750 (11th Cir. 1984) (quoting Dussouy v.

Gulf Coast Investment Corp., 660 F.2d 594, 597 (5th Cir. 1981)) (brackets in original). After careful review of the entire record, the Court finds no substantial reason to deny the instant Motion.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. Plaintiff Carolina Acquisition, LLC's Motion For Leave To Amend Complaint (DE 116) be and the same is hereby **GRANTED**;

2. Plaintiff Carolina Acquisition, LLC's Amended Complaint (DE 116, Ex. A) be and the same is hereby deemed timely filed;

3. The Clerk of the Court be and the same is hereby **DIRECTED** to file Plaintiff's Amended Complaint (DE 116, Ex. A) under a separate docket entry;

4. By Noon on Monday, October 19, 2009, Defendants shall file their Answers to Plaintiff's Amended Complaint; and

5. Discovery is re-opened only to the limited scope of information relevant to any party's claim or defense regarding Amended Counts IX and X.

IT IS FURTHER ORDERED AND ADJUDGED that the above-styled cause is hereby **RESET** for Pre-Trial Conference on **Friday, January 15, 2010**, at **9:30 a.m.**, at the United States Courthouse, Courtroom A, 299 East Broward Boulevard, Fort Lauderdale, Broward County, Florida. Pursuant to Local Rule 16.1 of this Court, **THE PARTIES SHALL ABIDE BY THE FOLLOWING TIME SCHEDULE UNDER PENALTY OF DISMISSAL OR OTHER SANCTION.**

TIME SCHEDULE

FIVE days prior to P-T Conf. - All Motions In Limine must be filed.

- SEVEN** days prior to P-T Conf. - Attorneys can request to appear at the P-T Conf. telephonically.
- FOURTEEN** days prior to P-T Conf. - Pre-Trial Stipulation or Unilateral Pre-Trial Catalogues must be filed.
- SEVENTEEN** days prior to P-T Conf. - Attorneys comply with S.D. Fla. L.R. 16.1.D.
- TWENTY** days prior to P-T Conf. - All discovery must be completed.

EXCEPT AS OTHERWISE MODIFIED HEREIN, THE PARTIES MUST COMPLY IN FULL WITH LOCAL RULE 16.1 OF THIS COURT. **THE PROVISIONS OF THIS ORDER SHALL SUPERSEDE ANY DEADLINES OR SCHEDULES AGREED UPON BY THE PARTIES.**

TRIAL DATE: PARTIES MUST BE READY FOR TRIAL AT ANY TIME AFTER THE PRE-TRIAL CONFERENCE.

A PRE-TRIAL STIPULATION or UNILATERAL PRE-TRIAL CATALOGUES must be filed by **Noon** on **Thursday, December 31, 2009.**

IF A PRE-TRIAL STIPULATION IS NOT FILED, THEN THE PARTIES MUST FILE UNILATERAL PRE-TRIAL CATALOGUES BY THE TIME PRESCRIBED ABOVE. UPON THE FAILURE OF PLAINTIFF TO FILE A UNILATERAL PRE-TRIAL CATALOGUE, THE COURT SHALL DISMISS THE CASE WITHOUT PREJUDICE. IF A DEFENDANT FAILS TO FILE A UNILATERAL PRE-TRIAL CATALOGUE WITHIN THE TIME PRESCRIBED ABOVE, DEFENDANT WILL BE PRECLUDED FROM ENTERING ANY PHYSICAL OR DOCUMENTARY EVIDENCE AND MAY CALL NO WITNESSES OTHER THAN THE DEFENDANT, OR IF A DEFENDANT IS A CORPORATE PARTY, IT MAY CALL ONLY THE CORPORATE REPRESENTATIVE WITH THE MOST KNOWLEDGE OF THE CASE.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 30th day of September, 2009.



 WILLIAM J. ZLOCH
 United States District Judge

Copies furnished:

All Counsel of Record