

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-60767-CIV-ZLOCH

TOP BRANCH ENVIRONMENTAL  
SERVICES, INC.,

Plaintiff,

vs.

**OMNIBUS ORDER**HOODRIDGE UNLIMITED,  
INC., et al.Defendants.  

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THIS MATTER is before the Court upon Plaintiff's Motion For Class Certification (DE 81), Plaintiff's Motion For Leave To File Second Amended Class Action Complaint (DE 83), Plaintiff's Motion For Enlargement Of The Deadline To Seek Leave To Amend Plaintiff's Motion For Class Certification (De 84). The Court has carefully reviewed said Motions and the entire court file and is otherwise fully advised in the premises.

The Court notes that the Scheduling Order (DE 53) for Phase I of this case was entered based on the recommendation of the Parties. The Court chose not to impose its own schedule on the Parties based on the representation of counsel that they had conferred and had come to a mutually agreeable timetable to facilitate the fluid progression of this case. Since the entry of the Scheduling Order, Plaintiff has requested multiple extensions of time. The granting of such requests inevitably complicates the schedule set out by the Court previously. The Court will grant the

instant requests but cautions Plaintiff not to rely on further extensions when deciding how it will prosecute this case.

Regarding Plaintiff's Motions To Amend (DE Nos. 83 & 84), the Court advises the Parties that such motions are often best resolved by conferring with one another as directed by the Local Rules. The Court has previously denied motions filed by Plaintiff for failure to comply with Local Rule 7.1.A.3 and will not hesitate to do so in the future if Plaintiff fails to comply. However, to expedite this matter, the Court will grant Plaintiff's Motions To Amend and will reset its deadlines to ensure that no Party suffers prejudice.

Accordingly, after due consideration, it is

**ORDERED AND ADJUDGED** as follows:

1. Plaintiff's Motion For Class Certification (DE 81) be and the same is hereby **DENIED** as moot;

2. Plaintiff's Motion For Leave To File Second Amended Class Action Complaint (DE 83) be and the same is hereby **GRANTED**;

3. Plaintiff's Motion For Enlargement Of The Deadline To Seek Leave To Amend Plaintiff's Motion For Class Certification (De 84) be and the same is hereby **GRANTED**;

4. The deadlines for Phase I shall be as follows:

a. By noon on Friday, January 16, 2009, Plaintiff shall file its Motion For Class Certification, if any;

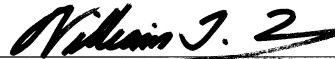
b. By noon on Friday, March 13, 2009, the Parties shall complete Phase I discovery;

c. By noon on Friday, April 10, 2009, Defendants shall file their Memoranda In Opposition to Plaintiffs' Motion For Class Certification; and

d. By noon on Friday, April 24, 2009, Plaintiffs shall file a Reply Memorandum, if any, to Defendants' Memoranda In Opposition; and

5. All other previously imposed deadlines shall remain intact.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 16th day of December, 2008.



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WILLIAM J. ZLOCH  
United States District Judge

Copies furnished:

All Counsel of Record