

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 06-20459-CIV-GOLD-McALILEY

MONTICELLO INSURANCE COMPANY,

Plaintiff,

vs.

CITY OF MIAMI BEACH, *ET AL.*,

Defendants.

ORDER FOLLOWING TELEPHONIC STATUS CONFERENCE

THIS CAUSE is before the Court following a telephonic status conference held on September 4, 2008, in which Defendants' Motion to Strike Plaintiff's Expert [DE 148] was discussed. As stated during the conference, I find it prudent at this time to reserve on my determination, and to rule on the matter at the Phase I bench trial, currently scheduled during the two-week trial period commencing on February 16, 2008, in which I will determine the coverage issues. In light of this, Defendants are granted up to and including September 19, 2008 to disclose an expert, and the deadline to complete expert discovery is extended to October 31, 2008. Finally, per the parties' agreement, the November 20, 2008 mediation is canceled. If, following the Phase I bench trial, I conclude that there is coverage under the policy at issue, the parties will be required to mediate any remaining issues of Phase II dealing with the issue of good faith/reasonableness of the amount of the settlement agreement.

Accordingly, for the reasons stated of record, it is hereby ORDERED AND ADJUDGED:

1. I reserve ruling on Defendants' Motion to Strike Plaintiff's Expert [DE 148] until the Phase I bench trial.
2. Defendants have up to and including September 19, 2008 in which to disclose an additional expert.
3. The deadline to complete discovery is extended up to October 31, 2008.
4. The November 20, 2008 mediation is canceled. Following the Court's determination of the coverage issue, the parties will be required to mediate the remaining Phase II issues, if any.

DONE AND ORDERED in Chambers at Miami, Florida, this 4 day of September, 2008.



THE HONORABLE ALAN S. GOLD
UNITED STATES DISTRICT JUDGE

cc:
U.S. Magistrate Judge Chris M. McAliley
Counsel of record