

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 16-21863-CIV-MARTINEZ-BECERRA

ALPHONSINE VERNEUS,

Plaintiff,

v.

AXIS SURPLUS INSURANCE COMPANY,

Defendant.

ORDER ON EXPEDITED MOTION FOR EXTENSION OF TIME

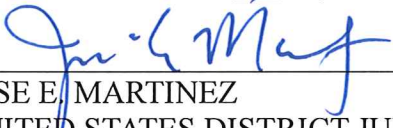
THIS CAUSE came before the Court on Plaintiff's Expedited Motion for Extension of Time to Exchange Expert Witness Summaries and Reports ("Motion for Extension"). (ECF No. 135). On Saturday, May 21, 2022, Plaintiff moved on an expedited basis for an extension of the May 23, 2022 deadline to exchange expert witness summaries and reports. (*Id.*). In support of her Motion for Extension, Plaintiff states that Defendant has "refused to provide any response to discovery." (*Id.* ¶ 11). Plaintiff states that she sent a letter to Defendant on February 11, 2021 regarding Defendant's deficient discovery, and the parties had a formal telephonic conference a day later where "Defendant refused to amend any of its responses." (*Id.* ¶ 6). A few days after the conference, Plaintiff sent Defendant a conferral letter regarding discovery. (*Id.* ¶ 7). Judge Goodman scheduled a hearing to resolve the parties' discovery disputes, but later issued an order deferring ruling on the discovery motions until after he issued his Report and Recommendation ("R&R") on Plaintiff's Motion to Amend and Motion to Compel. (ECF No. 86). This Court affirmed and adopted Judge Goodman's R&R on October 26, 2021. (ECF No. 98). Several months

later, on January 2, 2022, Plaintiff sent another email to Defendant regarding its supposedly deficient discovery responses. (*Id.* ¶ 9).

At the very latest, Plaintiff was aware of her need for additional discovery from Defendant on January 2, 2022. Yet Plaintiff waited until the weekend before the deadline to move for an extension of time based on such deficient discovery responses. The Court does not condone these litigation tactics in any case, but especially in this case because it has been pending for six years.

After careful consideration, it is hereby **ORDERED AND ADJUDGED** that Plaintiff's Motion for Extension of Time, (ECF No. 135), is **GRANTED in part and DENIED in part**. The parties shall exchange expert witness summaries and reports **on or before June 6, 2022**. The parties shall exchange written witness lists **on or before June 16, 2022**. The parties shall exchange rebuttal expert witness summaries and reports **on or before August 6, 2022**. Absent exigent circumstances, no further extensions of these pretrial deadlines will be granted. All other deadlines remain in effect.

DONE AND ORDERED in Chambers at Miami, Florida, this 23 day of May, 2022.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record