

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DONIA GOINES,

Plaintiff,

v.

Case No: 2:17-cv-656-FtM-29CM

LEE MEMORIAL HEALTH  
SYSTEM d/b/a CAPE CORAL  
HOSPITAL and JEOVANNI  
HECHAVARRIA,

Defendants.

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**ORDER**

This matter comes before the Court upon review of Defendant Lee Health's Motion to Extend Time to Comply with Court's Order filed on September 28, 2018. Doc. 77. Defendant Lee Memorial Health System ("Lee Memorial") seeks a one-day extension of time to comply fully with the Court's September 14, 2018 Order directing Lee Memorial to produce certain documents by September 28, 2018. *Id.*; see Doc. 76 at 18. For good cause shown and because Lee Memorial requests only a single-day extension, the motion will be granted.

The Court notes, however, that Lee Memorial failed to comply with Middle District of Florida Local Rule 3.01(g). Throughout this litigation, the parties have been repeatedly instructed to comply with Local Rule 3.01(g). Indeed, the Court's most recent Order stated:

The Court cannot overstate . . . the importance of Local Rule 3.01(g) in preserving judicial economy, as it fosters communication between the parties and helps resolves disputes without court intervention.

Therefore, from this point forward, **all parties** are advised they must certify in any future motions that they conferred through engaging in clear, substantive discussions involving all issues raised in the motion **in person or by telephone** in a good faith effort to resolve any issues raised prior to motion practice. Failure to comply with the Local Rules and this Order could result in sanctions.

Doc. 76 at 17 (emphasis in original). Further, in a previous Order, the Court specifically admonished Lee Memorial for its last-minute filing of a motion to extend its deadline to disclose experts and expert reports: “[T]he parties should not unnecessarily wait to file their requests until the eleventh hour. Lee Memorial should have been aware of its inability to meet the expert disclosure deadline prior to the day before the deadline.” *See* Doc. 71 at 3.

Without explanation and in flagrant disregard to this Court’s Orders and the Local Rules, Lee Memorial’s present motion indicates that counsel for Lee Memorial had “not yet heard back” from Plaintiff or Defendant Jeovanni Hechavarria upon filing the motion. Doc. 77 at 3. Further, Lee Memorial once again waited until the eleventh hour to file its motion for extension, although it should have been aware of its inability to meet the deadline prior to the deadline. Because the motion seeks only a one-day extension, it will be granted. But the Court warns Lee Memorial that any future motions that fail to comply fully with Local Rule 3.01(g)—both as set forth in the Rule and as required by this Court in its September 14, 2018 Order—will be summarily denied on that basis and will subject Lee Memorial to sanctions.

ACCORDINGLY, it is

**ORDERED:**

Defendant Lee Health's Motion to Extend Time to Comply with Court's Order (Doc. 77) is **GRANTED**. Lee Memorial's production of documents pursuant to the Court's September 14, 2018 Order (Doc. 76) is deemed as timely.

**DONE** and **ORDERED** in Fort Myers, Florida on this 2nd day of October, 2018.



CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record