

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**GOVERNMENT EMPLOYEES
INSURANCE COMPANY, et al.,**

Plaintiffs,

v.

Case No. 8:17-cv-1130-T-27AAS

**ANALGESIC HEALTHCARE, INC.,
and ROY EDGERTON,**

Defendants,

_____ /

REPORT AND RECOMMENDATION AND ORDER

This matter follows Analgesic Healthcare and Roy Edgerton's motion to convene scheduling conference and modify the Case Management and Scheduling Order (CMSO). (Doc. 111). GEICO submitted its response in opposition. (Doc. 117). The court then referred the defendants' motion to the undersigned. (Doc. 113).

ORDER

In their motion, the defendants requested the undersigned hold a discovery and scheduling conference. (Doc. 111). The undersigned held a discovery and scheduling conference today. (Doc. 122). Therefore, the defendants' motion to convene a discovery and scheduling conference is **GRANTED**.

REPORT AND RECOMMENDATION

Before the discovery and scheduling conference, the parties submitted a joint notice advising the undersigned which issues remained outstanding. (Doc. 119). The parties included a proposed amended CMSO with their joint notice. (Doc. 119-1). In the proposed amended CMSO, the parties pushed the trial term back six months until the trial term beginning November 4, 2019. (*Id.* at 1). The pretrial conference under the amended proposed CMSO is set for thirty days before trial. (*Id.*). The dispositive motion deadline is almost two months before the pretrial conference. (*Id.* at 1–2). The amended CMSO also includes an approximately one-month gap between the discovery deadline and the deadline for *Daubert* and dispositive motions. (*Id.* at 2).

However, the parties previously selected Peter Grilli to mediate on October 20, 2018. (Doc. 97). At the hearing, counsel for both parties advised the October 20th mediation date still worked for the parties. Therefore, Paragraph 6 of the parties' proposed amended CMSO should not be adopted. (Doc. 119-1, p. 2). Instead, the parties should proceed with mediation currently scheduled before Peter Grill on October 20, 2018.

In summary, the undersigned finds, with the exception of Paragraph 6, the parties' proposed dates in their amended CMSO reasonable and that there is good cause to extend these deadlines. Therefore, the defendant's motion to modify the CMSO (Doc. 111) should be granted and the parties' proposed amended CMSO (Doc. 119-1) should be adopted with the exception of Paragraph 6.

Accordingly, it is **RECOMMENDED** that:

1. The defendants' motion to modify the CMSO (Doc. 111) be **GRANTED**.
2. The parties' proposed amended CMSO (Doc. 119-1) be **ADOPTED**, except for Paragraph 6 concerning mediation. The parties should proceed with mediation scheduled with mediator Peter Grilli on October 20, 2018.
3. Under the "Notice to the Parties" Section below, the parties are instructed to file notices with the court by noon on July 20, 2018, advising simply whether they intend to object to this Report and Recommendation. If no party intends to object to this Report and Recommendation, the undersigned recommends that the objection period under 28 U.S.C. Section 636(b)(1) be deemed waived and the court enter its amended CMSO.

ORDERED and **RECOMMENDED** in Tampa, Florida on this 17th day of July, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

NOTICE TO PARTIES

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen days from the date of this service shall bar an aggrieved party from attacking the factual findings on appeal. *See* 28 U.S.C. § 636(b)(1). In light of the parties' agreed dates for an Amended Case Management and Scheduling order, and to best expedite the court's ruling on the undersigned's recommendations without unnecessarily waiting for the fourteen objection period to pass, the parties are instructed to file short notices with the court by **noon (E.T.) on July 20, 2018**, advising simply whether they intend to object to this Report and Recommendation.

Copies to:

Counsel of Record
District Judge