

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PRECIOUS HART, LAVERNE HART,
JAVONTA EDVARIS HART and THE
ESTATE OF JAMES HART,
individually and on behalf of the
estate of James Hart, deceased

Plaintiffs,

v.

Case No: 2:18-cv-353-FtM-29CM

ALLERGAN, INC. and DOES 1
THROUGH 100, INCLUSIVE,

Defendants.

ORDER

This matter comes before the Court upon review of Defendant Allergan, Inc.'s Unopposed Motion to Extend the Initial Disclosures Deadline filed on August 7, 2018. Doc. 28. Defendant requests to extend the August 7, 2018 initial disclosures deadline in the Case Management and Scheduling Order ("CMSO") to September 7, 2018. *Id.* at 1. For the reasons stated below, the motion is granted.

Rule 16 requires a showing of good cause for modification of a court's scheduling order. Fed. R. Civ. P. 16(b)(4). "The diligence of the moving party should be considered in determining whether there is good cause to extend a deadline." *Jozwiak v. Stryker Corp.*, No. 6:09-cv-1985-Orl-19GJK, 2010 WL 743834, at *2 (M.D. Fla. Feb. 26, 2010). In other words, the moving party must demonstrate it could not meet the deadline despite its diligent efforts. *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998); *Idearc Media Corp. v. Kimsey & Assocs., P.A.*,

No. 807-CV-1024-T-17EAJ, 2009 WL 413531, at *2 (M.D. Fla. Feb. 18, 2009). District courts have broad discretion when managing their cases, including discovery and scheduling. *Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1269 (11th Cir. 2001).

Here, Defendant seeks to extend the initial disclosures deadline in the CMSO (Doc. 27) to September 7, 2018. Doc. 28 at 1. Plaintiffs do not oppose the motion and Defendant notes that the parties previously agreed upon the September 7 deadline for initial disclosures. *Id.* Because the requested extension also will not affect any other deadlines in the CMSO, the Court finds good cause to extend the initial disclosures deadline to September 7, 2018.

ACCORDINGLY, it is

ORDERED:

1. Defendant Allergan, Inc.'s Unopposed Motion to Extend the Initial Disclosures Deadline (Doc. 28) is **GRANTED**. The parties shall have up to and including **September 7, 2018** to serve mandatory initial disclosures.

2. All other deadlines and directives set forth in the Case Management and Scheduling Order (Doc. 27) remain in effect.

DONE and **ORDERED** in Fort Myers, Florida on this 9th day of August, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record