

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

JOE MYERESS,

Plaintiff,

v.

Case No: 2:18-cv-438-FtM-38CM

MARMONT HILL, INC. and PARVEZ  
TAJ,

Defendants/Third Party  
Plaintiffs,

v.

DAISY SPENCE,

Third Party Defendant.

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**ORDER**

This matter comes before the Court upon review of Third-Party Defendant Daisy Spence's Unopposed Motion for Extension of Certain Case Management and Scheduling Order Deadlines filed on January 25, 2019. Doc. 53. Spence seeks to extend all remaining deadlines in the Case Management and Scheduling Order ("CMSO") without altering the scheduled mediation date, and neither Plaintiff nor Defendants oppose the relief sought. Doc. 53 at 1, 4. For the reasons stated herein, the motion will be 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, Spence seeks to extend all deadlines in the CMSO by thirty (30) days, but she does not wish to alter the agreed mediation date of February 20, 2019. Doc. 53 at 1, 4. Spence, who was added to this litigation on November 8, 2018 and hired her counsel on December 5, 2018, seeks the extension to give her an opportunity to adequately prepare her case. *Id.* at 2-3; *see also* Doc. 40. The Court finds good cause to extend the CMSO deadlines as requested.

ACCORDINGLY, it is

**ORDERED:**

1. Third-Party Defendant Daisy Spence's Unopposed Motion for Extension of Certain Case Management and Scheduling Order Deadlines (Doc. 53) is **GRANTED**.
2. An amended case management and scheduling order will be issued by separate Order.

**DONE** and **ORDERED** in Fort Myers, Florida on this 30th day of January, 2019.

  
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DOUGLAS N. FRAZIER  
UNITED STATES MAGISTRATE JUDGE

Copies:  
Counsel of record