

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

SHAWANA SANDERS and KENYATTA
WILLIAMS, on their own and on behalf of
all similarly situated individuals,

Plaintiffs,

v.

Case No: 2:18-cv-555-FtM-99UAM

GLOBAL RADAR ACQUISITION,
LLC,

Defendant.

ORDER

This matter comes before the Court upon review of the Notice of Mediation and Joint Motion for Enlargement of Time to Current Case Schedule filed on February 11, 2019. Doc. 36. 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 (1) when managing their cases, including discovery and scheduling; and (2) in applying their local rules. *Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1269 (11th Cir. 2001); see *Reese v. Herbert*, 527 F.3d 1253, 1267-68 (11th Cir. 2008); *Johnson v. England*, 350 F. App'x 314, 315-16 (11th Cir. 2009). Under Local Rule 4.04, the named plaintiff or

plaintiffs in a class action must move for class certification within 90 days after the filing of the complaint, unless the Court finds good cause to extend the deadline. M.D. Fla. R. 4.04(b).

The parties request an extension of time for Plaintiffs to move for class certification until June 7, 2019, and an extension of the discovery and dispositive motions deadlines until July 7, 2019 and August 12, 2019, respectively. Doc. 36 at 2. The Case Management and Scheduling Order entered October 26, 2018 set the discovery deadline for June 3, 2019, the mediation deadline for April 15, 2019, the dispositive motions deadline for July 2, 2019 and a trial term beginning January 6, 2020. Doc. 22 at 1-2. By separate Order, the Court previously extended Plaintiffs' deadline to move for class certification to February 10, 2019. Doc. 27. The Court finds good cause to extend the deadlines¹ and will grant the motion, as the requested extensions are relatively brief and will not necessitate changing any other deadlines in the CMSO or the trial term.

ACCORDINGLY, it is

ORDERED:

The Notice of Mediation and Joint Motion for Enlargement of Time to Current Case Schedule (Doc. 36) is **GRANTED**. Plaintiffs shall have up to and including **June 7, 2019** to move for class certification. The parties shall have up to and including **July 7, 2019** to complete discovery and up to and including **August 12, 2019** to file dispositive motions. All other deadlines and directives in the Case Management and Scheduling Order (Doc. 22) remain unchanged.

¹ The Court finds good cause under Local Rule 4.04 to extend the deadline for the class certification motion for a second time due to the parties' efforts in attempting to resolve the case at mediation and because the requested extension will still leave about 7 months between the new deadline and the trial term. *See* Doc. 36 at 1-2; Doc. 22 at 2; M.D. Fla. R. 4.04(b). However, because the Court extended the deadline once before, from November 12, 2018 to February 10, 2019 (*see* Doc. 27), the Court will not be inclined to grant another extension absent extenuating circumstances.

DONE and ORDERED in Fort Myers, Florida on this 13th day of February, 2019.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies:
Counsel of record