

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

KATHY BELL,

Plaintiff,

v.

Case No. 8:18-cv-1674-T-35AAS

**RAIM'S INC. and RONNIE'S
LARGO FAMILY RESTAURANT,**

Defendants.

_____/

ORDER

Kathy Bell moves for an enlargement of time to inspect the defendants' property, which is the subject of Ms. Bell's Americans with Disabilities Act (ADA) lawsuit. (Doc. 11).

Under the court's ADA Scheduling Order, the defendants must permit Ms. Bell's counsel and expert reasonable access to the property that Ms. Bell claims is noncompliant under the ADA within thirty days after service of process. (Doc. 6, p. 1). Ms. Bell served the defendants on August 22, 2018. (Doc. 11, p. 1). Therefore, under the ADA Scheduling Order, the defendants had to permit Ms. Bell's counsel and expert to inspect the property at issue by September 21, 2018.

On that September 21st, however, Ms. Bell moved for an additional thirty days to inspect the property. According to Ms. Bell, the defendants only had one week to prepare for inspection after appearing in this case. Ms. Bell also claims her counsel is out of the county until September 26, 2018.

Under Federal Rule of Civil Procedure 16(b)(4), the court may modify a case management and scheduling order for good cause. Good cause means the moving party cannot meet deadlines in the scheduling order despite due diligence. *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998) (citations omitted).

Ms. Bell sufficiently demonstrated that neither she nor the defendants can adhere to the deadline to inspect the defendants' property under the ADA Scheduling Order despite due diligence. Therefore, her motion for extension of time to inspect the defendants' property (Doc. 11) is **GRANTED**. The defendants must permit Ms. Bell's counsel and expert to inspect the defendants' property by **October 26, 2018**. The timeframes for the subsequent post-inspection deadlines outlined in paragraphs 3, 4, 5 and 7 of the ADA Scheduling Order (Doc. 6) remain unchanged.

ORDERED in Tampa, Florida on September 25, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge