

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

NICOLE BARILLA,

Plaintiff,

v.

Case No: 2:19-cv-46-FtM-99UAM

SETERUS, INC,

Defendant.

ORDER

This matter comes before the Court upon review of the Joint Motion and Proposed Order Regarding L.R. 3.05 Case Management Conference and Extending Plaintiff's Deadline for Moving for Class Certification and Incorporated Memorandum of Law. Doc. 10. The parties request the Court's permission to hold their Case Management Conference ("CMC") by telephone and request that the Court extend the class certification motion deadline pending the parties' proposal in their Case Management Report ("CMR"). *Id.* at 1-2.

Under Middle District of Florida Local Rule 4.04, a plaintiff in a class action must move for class certification under Rule 23(c)(1) of the Federal Rules of Civil Procedure within 90 days after the filing of the initial complaint. M.D. Fla. R. 4.04(b). A district court has discretion to prescribe a different deadline for filing a motion for class certification, however. *See Martinez-Mendoza v. Champion Int'l Corp.*, 340 F.3d 1200, 1216 n.38 (11th Cir. 2003). If discovery related to the class certification issue is necessary, the parties may move the Court for leave to take such discovery before the Case Management Conference. M.D. Fla. R. 4.04(b).

Here, Plaintiff's class certification motion is currently due April 25, 2019. *See* M.D. Fla. R. 4.04(b); Doc. 1. The parties request to extend the class certification motion deadline to a date

to be determined by the Court after the parties file their CMR, stating that the parties need to take discovery before filing the class certification motion. Doc. 10 at 1-2. As this is the parties' first request to extend the class certification motion deadline and discovery has not yet commenced, the undersigned finds good cause to grant the extension, but not to the indefinite extent requested. Instead, the undersigned will grant an extension of 30 days for the motion for class certification at this time, but the parties may propose an alternative deadline in their CMR, which the undersigned will take under advisement. Finally, the undersigned finds good cause to allow the parties to conduct their CMC by telephone.

ACCORDINGLY, it is

ORDERED:

The Joint Motion and Proposed Order Regarding L.R. 3.05 Case Management Conference and Extending Plaintiff's Deadline for Moving for Class Certification and Incorporated Memorandum of Law (Doc. 10) is **GRANTED in part**. Plaintiff shall have up to and including **May 27, 2019** to file her motion for class certification, but the parties may propose an alternative deadline in their Case Management Report. The parties may conduct their Case Management Conference by telephone.

DONE and ORDERED in Fort Myers, Florida on this 9th day of April, 2019.



DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies:
Counsel of record