

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THOMAS GRAZIANO,

Plaintiff,

v.

Case No.: 2:22-cv-34-SPC-KCD

JEFFREY S. SCHELLING, P.A.,

Defendant.

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ORDER

Defendant Jeffery S. Schelling, P.A. filed a motion asking the Court to reconsider its order denying leave to extend the case management deadlines. (Doc. 159.) Defendant has since withdrawn the motion save for his request to move the dispositive motion deadline to accommodate production of a deposition transcript. (Doc. 162.) The Court finds good cause for this limited relief, and thus **the dispositive motion deadline will be reset to April 1, 2024**. The dispositive motion deadline cannot be pushed any further without impacting the remaining schedule (for which there is no good cause), and thus the Court suggests that Defendant expedite the deposition transcript.

One last issue. Plaintiff has responded to the motion for reconsideration and separately asked “that discovery be extended one final time.” (Doc. 161 at 3.) But “[i]nclusion of this request for affirmative relief in the response rather

than filing a motion is improper.” *Robinson v. Dyck O’Neal, Inc.*, No. 3:15-CV-988-J-39PDB, 2015 WL 13359441, at *1 (M.D. Fla. Dec. 1, 2015); *see also* *Armington v. Dolgencorp, Inc.*, No. 3:07-CV-1130-J-JRK, 2009 WL 210723, at *2 (M.D. Fla. Jan. 20, 2009).

Accordingly, it is hereby **ORDERED**:

1. Defendant Jeffery S. Schelling, P.A.’s Motion to Reconsider (Doc. 159) is **DENIED EXCEPT AS FOLLOWS**: the dispositive motion deadline is reset to April 1, 2024; all other deadlines from the case management order (Doc. 156) remain.

ENTERED in Fort Myers, Florida on February 28, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record