

United States District Court
Middle District of Florida
Jacksonville Division

**SOUTHEAST DEVELOPMENT PARTNERS, LLC,
& SOUTHEAST LAND VENTURES, LLC,**

Plaintiffs and Counter-Defendants,

v.

ST. JOHNS COUNTY, FLORIDA,

NO. 3:23-cv-846-MMH-PDB

*Defendant, Counterclaimant, and
Third-Party Plaintiff,*

v.

DAY LATE ENTERPRISES, INC.,

Third-Party Defendant.

Order

Through a motion filed on June 20, 2024, Southeast Development Partners, LLC, Southeast Land Ventures, LLC, and Day Late Enterprises, Inc., move to compel the depositions of two county commissioners. Doc. 54. St. Johns County opposes the motion. Doc. 55.

“A schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “Unless the court orders otherwise, the parties may stipulate that ... procedures governing or limiting discovery be modified—but a stipulation extending the time for any form of discovery must have court approval if it would interfere with the time set for completing discovery, for hearing a motion, or for trial.” Fed. R. Civ. P. 29.

In the case management and scheduling order, the Court explained, “With respect to discovery matters, [April 5, 2024] is the final date discovery shall be completed. Motions to compel ... must be filed no later than the close of discovery. The parties should be aware that a stipulation to the continuance of discovery anticipates no discovery disputes. Therefore, this Court will not hear discovery disputes arising during the stipulated continuance.” Doc. 19 at ¶ 1. The Court further explained, “**THE COURT HAS DONE EVERYTHING POSSIBLE TO SET APPROPRIATE DEADLINES FOR THIS CASE. THE PARTIES SHOULD PROCEED ACCORDINGLY. DO NOT ASSUME THAT THE COURT WILL EXTEND THESE DEADLINES.**” Doc. 19 ¶ 1.

The motion to compel is **denied**. The commissioners were identified in the initial disclosures last year. Doc. 54-9 at 5. The deadline for conducting discovery and moving to compel passed more than three months ago. The 60-day period to which the parties stipulated passed more than a month ago—two weeks before the motion. Motions for summary judgment, Docs. 44, 47, responses to the motions, Docs. 50, 51, and replies to the responses, Docs. 52, 53, have been filed. The case management and scheduling order, Doc. 19, remains unchanged.

Ordered in Jacksonville, Florida, on July 9, 2024.



PATRICIA D. BARKSDALE
United States Magistrate Judge