

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BURTON WIAND, as Receiver for Oasis
International Group Ltd.; Oasis
Management, LLC; and Satellite Holdings
Company,

Plaintiff,

v.

Case Number: 8:20-cv-863-T-60SPF

RAYMOND P. MONTIE, III,

Defendant.

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**UNOPPOSED MOTION TO EXTEND
DISCOVERY DEADLINES AND MEMORANDUM OF LAW**

Raymond P. Montie, III, by and through his undersigned counsel,
pursuant to Federal Rule of Civil Procedure 16, M.D. Fla. L.R. 3.08, and the
Court's Case Management and Scheduling Order (Dkt. 42), respectfully moves
for an order extending certain discovery deadlines. Good case exists for the
continuance and the continuance is necessary through no fault of the parties. As
grounds in support, Mr. Montie states:

I. STATEMENT OF FACTS

1. On October 1, 2020, the Court entered the Case Management and Scheduling Order. Dkt. 42. The Order required the parties to participate in mediation no later than May 31, 2021.

2. A mediation was held on April 30, 2021. Dkt. 56.

3. The mediation resulted in the parties adjourning the mediation as other parties needed to be consulted before the parties could agree to certain terms. The parties are diligently pursuing the position of those third parties. The parties believe that a short extension of discovery deadlines best serves the Mr. Montie, the receivership estate, and judicial resources.

4. In addition to the mediation, Mr. Montie has worked on preparing real and personal properties in New York for sale. A sale of real property closed late last month and the funds were disbursed into escrow, which will be distributed as required by the resolution of this case and the related case the Commodity Futures Trading Commission initiated in 8:19-cv-886-VMC-SPF (“CFTC case”). Mr. Montie has sold some personal property and is in the process of selling a vehicle, the proceeds of which will also be placed into escrow. To accomplish these sales, Mr. Montie has driven several times from his residence to New York, usually a three-hour trip one way. All of this has been done in the

best interests of Mr. Montie and the receivership estate, but has resulted in the need to extend certain discovery deadlines.

5. Mr. Montie has served the plaintiff with requests to produce, and the plaintiff has responded. The plaintiff has served Mr. Montie with requests for admissions, requests to produce, and interrogatories (collectively “initial discovery”).

6. The initial discovery includes 108 requests (plus subparts) for admissions, 16 interrogatories (plus subparts), and 64 requests to produce “all” categories of things. Mr. Montie has been diligently working on responses while selling property and preparing for mediation, as outlined above.

7. After conferring with the plaintiff, Mr. Montie asks the Court to:
- a. Provide Mr. Montie a two-week extension, from May 10, 2021, to May 24, 2021, to respond to the plaintiff’s initial discovery.
 - b. Extend the discovery deadline to July 30, 2021, to permit the parties to review responses, adequately prepare for depositions, and take depositions.
 - c. Extend the deadline for filing dispositive motions to August 30, 2021.

II. MEMORANDUM OF LAW

A scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). To meet the good cause standard, a party must show that, despite diligence, the party could not reasonably have met the scheduling order’s deadline. See *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998). Here, Mr. Montie and his counsel have diligently worked on this case, met his obligations in the related CFTC case, managed and sold assets in the best interest of Mr. Montie and the receivership estate, and have been working to properly answer the plaintiff’s initial discovery. The work Mr. Montie has done to date could not have been contemplated when the parties agreed to certain deadlines in this case. Further, Mr. Montie could not have done this work and reasonably met the scheduling order’s deadlines.

III. LOCAL RULE 3.01(G) CERTIFICATION

Pursuant to M.D. Fla. L.R. 3.01(g), the undersigned certifies that (1) he has conferred with counsel for the plaintiff, and (2) the plaintiff has authorized the undersigned to represent to the Court that the plaintiff does not oppose the relief requested herein so long as this motion was filed with the Court.

IV. CONCLUSION

WHEREFORE, Mr. Montie asks the Court to:

- a. Provide Mr. Montie a two-week extension, from May 10, 2021, to May 24, 2021, to respond to the plaintiff's initial discovery.
- b. Extend the discovery deadline to July 30, 2021, to permit the parties to review responses, adequately prepare for depositions, and take depositions.
- c. Extend the deadline for filing dispositive motions to August 30, 2021.

Respectfully submitted on May 5, 2021.

**LAW OFFICES OF
HORWITZ & CITRO, P.A.**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 5, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to Jared J. Perez at jperez@guerraking.com, Lawrence Dougherty at ldougherty@guerraking.com, John W. Waechter at jwaechter@efleagl.com, Courtney Fernald at cfernalld@eflegal.com, Beatriz McConnell at bmccConnell@eflegal.com, and Alicia Gangi at agangi@eflegal.com.

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