

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

Case No: 8:21-cv-1317-MSS-AAS

BURTON W. WIAND,

Plaintiff,

v.

**ATC BROKERS LTD., DAVID
MANOUKIAN and SPOTEX LLC,**

Defendants.

/

**AGREED MOTION TO AMEND CASE MANAGEMENT
AND SCHEDULING ORDER**

Defendant, Spotex LLC (“Defendant”), files this motion for an order to amend the Case Management and Scheduling Order (“Motion”), pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and 16(b)(4), and states as follows:

1. On September 7, 2021, the Court entered its Case Management and Scheduling Order in this action, ECF 35.

2. Defendant, on consent of all parties, proposes a modified schedule as follows:

| | |
|---|------------------|
| Mandatory Initial Disclosures | COMPLETED |
| Certificate of Interested Persons and Corporate Disclosure Statement | COMPLETED |

| | |
|--|--|
| Motions to Add Parties or to Amend Pleadings | COMPLETED¹ |
| Disclosure of Expert Reports | Plaintiff: MARCH 20, 2023 |
| | Defendant: APRIL 10, 2023 |
| | Rebuttal Expert: MAY 1, 2023 |
| Discovery Deadline | FEBRUARY 1, 2023 |
| Dispositive Motions, <i>Daubert</i>, and <i>Markman</i> Motions | MAY 17, 2023 |
| <i>Meeting In Person</i> to Prepare Joint Final Pretrial Statement | JULY 24, 2023 |
| Joint Final Pretrial Statement (See Section III. B.) | AUGUST 8, 2023 |
| All Other Motions Including Motions <i>In Limine</i> | AUGUST 15, 2023 |
| Final Pretrial Conference | If needed, it will be set, by separate notice, on a date that is approximately 4 weeks before trial |
| Trial Briefs and Deposition Transcripts with Designations Highlighted | AUGUST 22, 2023 |
| | Trial Term: OCTOBER 2023 |
| | Begins: OCTOBER 9, 2023 |
| Parties shall be prepared to try this case anytime during the trial term. A more specific date will follow, by separate notice. | |
| Estimated Length of Trial | 5 DAYS |

¹ Although the prior deadline was October 1, 2021, and thus before any substantive discovery occurred by the parties, Plaintiff reserves his right to move to amend the Amended Complaint based upon discovery in this action or any other permissible reason for amending under the Federal Rules or applicable case law.

| Jury / Non-Jury | Jury |
|---|---|
| <p>Mediation</p> <p style="text-align: right;">Deadline: Mediator:</p> <p>Designated Lead Counsel shall contact opposing counsel and the mediator to reserve a conference date and shall file a Notice with the Court within 21 days of this Order advising of the date.</p> <p>Parties shall confer and select designated Lead Counsel:</p> | <p style="text-align: center;">COMPLETED Gregory Holder</p> |

WHEREFORE, Defendant Spotex LLC respectfully requests that the Court enter an order amending the Case Management and Scheduling Order.

Respectfully submitted,

/s/ Joseph A. DeMaria

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Attorneys for Defendant, Spotex, LLC

LOCAL RULE 3.01(G) CERTIFICATION

Pursuant to Local Rule 3.01(g), the undersigned certifies that he has conferred with opposing counsel, who does not oppose the relief requested herein.

