UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ROCA LABS, INC., a corporation; ROCA LABS NUTRACEUTICAL USA, INC., a corporation; MUST CURE OBESITY, CO., a corporation; JURAVIN, INCORPORATED, a corporation; ZERO CALORIE LABS, INC., a corporation; DON JURAVIN, individually and as an officer of Roca Labs, Inc., Roca Labs Nutraceutical USA, Inc., Must Cure Obesity, Co., and Juravin, Incorporated; and GEORGE C. WHITING, individually and as an officer of Roca Labs, Inc., Roca Labs Nutraceutical USA, Inc., and Zero Calorie Labs, Inc.,

Defendants.

Case No. 8:15-cv-02231-MSS-TBM

JOINT MOTION TO AMEND CASE MANAGEMENT AND SCHEDULING ORDER

The parties hereby jointly move to amend the Court's Amended Case Management and Scheduling Order [Dkt. 83] to extend by one week the July 20, 2017 deadline to file the Joint Pretrial Statement ("JPS") and related material, and the July 27, 2017 deadline to file all other motions, including motions in limine. Thus, the parties request that the Court set a new deadline of July 27, 2017 for the JPS and related material, and August 3, 2017 for all other motions, including motions in limine.

Good cause exists for the requested amendment. The FTC sent its draft JPS to Defendants on June 22, 2017, and subsequently provided drafts of its deposition

designations, exhibit list, summary exhibits, and witness list to Defendants prior to the in-person meeting of lead counsel for both parties in Tampa on July 6, 2017. At that meeting, the parties discussed the potential for settlement, discussed their respective legal positions, and most of the exhibits that FTC counsel provided to Defendants' counsel at the meeting. Because Defendants' counsel entered his appearance in this case after discovery closed, he needed additional time to review many of the more than 200 exhibits the FTC provided. Lead counsel for the parties had follow-up telephone calls on July 12, 13, and 14 to further discuss the FTC's exhibits and other topics for discussion at the in-person meeting.

The parties have worked diligently to try to complete the Joint Pretrial Statement and related documents in time to meet the July 20, 2017 deadline, but now believe that deadline to be unworkable. Defendant's counsel, a sole practitioner, requires additional time to review the FTC's exhibits, and to provide Defendants' written portions of the JPS, and the FTC will require time to evaluate the Defendants' forthcoming exhibit list, witness list, deposition designations, and proposed changes to the draft JPS. To facilitate progress in complying with the proposed deadline of July 27, the parties have agreed that Defendants will provide the following materials to FTC counsel by the dates indicated:

- Objections to FTC exhibits and witnesses, and Defendants' draft witness list, by Friday, July 21, 2017 at 5:30 p.m.;
- Defendants' witness and exhibit lists, deposition designations, objections to FTC deposition designations, and markup of FTC proposed undisputed facts, by Monday, July 24, 2017 at 5:30 p.m.; and
- Inserts of Defendants' JPS Statement of All Defendants, Defendants' Expert, and other comments on or proposed inserts to JPS by Tuesday, July 25, 2017 at 5:30p.m.

FTC counsel will undertake to review these materials promptly, and lead counsel for the parties will be available to reply promptly to email and to engage in telephone conversations as needed to discuss the materials and subsequent drafts during the week of July 24.

The parties also request that the Court set the deadline for all other motions, including motions in limine, for the following week, on August 3, 2017. Good cause exists for extending this deadline because the subject matter of motions in limine and other motions will be determined by the content of the JPS and related materials.

The requested amendment would not affect the dispositive motions deadline (the parties filed their respective motions for summary judgment on the March 24, 2017 deadline) and trial date (September trial term). No party will use the amendment of these deadlines in support of a motion to extend another date or deadline.

Respectfully submitted,

/s/ Carl H. Settlemyer, III
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CERTIFICATE OF SERVICE

I CERTIFY that on this 19th day of July 2017, I electronically filed the foregoing **Joint Motion to Amend Case Management and Scheduling Order** with the Clerk of the Court by using the CM/ECF filing system, and this document will be served electronically through same to counsel for all parties of record.

/s/Carl H. Settlemyer, III
Attorney