

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

**DREW ADAMS, a minor, by and through
his next friend and mother, ERICA
ADAMS KASPER,**

Case No. 3:17-cv-00739-TJC-JBT

Plaintiff,

v.

**THE SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA,**

Defendant.

**JOINT MOTION FOR ORDER PERMITTING THE FILING OF PLAINTIFF'S
DAUBERT MOTION PERTAINING TO ALLAN M. JOSEPHSON, M.D. BY NO
LATER THAN DECEMBER 6, 2017**

Plaintiff, Drew Adams, a minor, by and through his next friend and mother, Erica Adams Kasper (“Plaintiff”) and Defendant, The School Board of St. Johns County, Florida (the “School Board”) (collectively, the “parties”), by and through their undersigned counsel, hereby jointly move this Court for an order permitting Plaintiff to file a motion to exclude all evidence and testimony pertaining to Allan M. Josephson, M.D. (“Dr. Josephson”), pursuant to Federal Rules of Evidence 702-703 and *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579 (U.S. 1993) (“Daubert Motion”), by no later than December 6, 2017, which is one week beyond the current deadline for motions set by the Court.

The parties had previously agreed to conduct Dr. Josephson’s deposition on November 13, 2017. The Court thereafter entered an order directing that this deposition be postponed so the Court could consider Defendant’s motion to quash the subpoena *duces tecum* served by the Plaintiff on

Dr. Josephson. (Dkt. 81). On November 13, 2017, the Court entered an order *inter alia* permitting the parties to take discovery outside the deadline by mutual agreement. (Dkt. 91).

The parties have conferred and November 28, 2017 is the only and first available date on which Dr. Josephson may be deposed. Plaintiff is amendable to this date but will be unable to obtain the deposition transcript and draft a Daubert Motion pertaining to Dr. Josephson by the current November 29, 2017 deadline for motions set by the Court. For these reasons, Defendant has agreed to a one-week extension for Plaintiff to file a Daubert Motion regarding Dr. Josephson. Without such an extension, Plaintiff will be prejudiced because he will be unable to bring a Daubert Motion regarding Dr. Josephson.

District courts retain broad discretion in managing their cases, including discovery and scheduling. *Chrysler Int'l Corp. v. Chemaly*, 280 F.3d 1358, 1360 (11th Cir. 2002).

For the foregoing reasons and for good cause showing, the parties hereby respectfully request an Order from the Court as follows: Plaintiff may file a Daubert Motion regarding Dr. Josephson by no later than December 6, 2017.

Dated: November 16, 2017

/s/ Tara L. Borelli

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SO ORDERED BY THE COURT:

U.S. District Court Judge Timothy J. Corrigan