

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

AGIOS MIXAEL, LLC and
GOOD GREEK FRANCHISES, LLC

Plaintiffs.

CASE NO. 8:22-cv-2693-CEH-TGW

v.

ALL ABOUT MOVING TAMPA
BAY, INC., a Florida corporation,
PHILLIP DIAMOND, MELISIA
DIAMOND, and DOES 1-10,

Defendants.

Uniform Case Management Report

The goal of this case management report is to “secure the just, speedy, and inexpensive determination of” the action. *See* Fed. R. Civ. P. 1. Under Local Rule 3.02(a)(2), this case management report should be used in all civil cases except those described in Local Rule 3.02(d). Individual judges may have additional case management preferences that can be found under each judge’s name on the Court’s website, flmd.uscourts.gov/judges/all.

1. Date and Attendees

The parties may conduct the planning conference “in person, by telephone, or by comparable means[.]” *See* Local Rule 3.02(a)(1).

The parties conducted the planning conference on 1/3/2021. Paul J. Punzone, David Lisko, Michael J. Colitz, III and John Atkinson attended the conference.

2. Deadlines and Dates

The parties request these deadlines and dates:

Action or Event	Date
Deadline for providing mandatory initial disclosures. <i>See</i> Fed. R. Civ. P. 26(a)(1).	1/20/2023
Deadline for moving to join a party, <i>see</i> Fed. R. Civ. P. 14, 19, and 20, or amend the pleadings, <i>see</i> Fed. R. Civ. P. 15(a).	2/16/2023
Plaintiff's deadline for disclosing any expert report. <i>See</i> Fed. R. Civ. P. 26(a)(2).	7/28/2023
Defendant's deadline for disclosing any expert report.	8/30/2023
Deadline for disclosing any rebuttal expert report.	9/29/2023
Deadline for completing discovery and filing any motion to compel discovery. <i>See</i> Fed. R. Civ. P. 37; <i>Middle District Discovery</i> (2021).	12/20/2023
Deadline for moving for class certification, if applicable. <i>See</i> Fed. R. Civ. P. 23(c).	n/a
Deadline for filing any dispositive and <i>Daubert</i> motion. <i>See</i> Fed. R. Civ. P. 56. (Must be at least five months before requested trial date.)	1/31/2024
Deadline for participating in mediation. <i>See</i> Local Rules, ch. 4. The Parties agree to stipulate to a mediator at a later date.	1/31/2024
Date of the final pretrial meeting. <i>See</i> Local Rule 3.06(a).	3/18/2024
Deadline for filing the joint final pretrial statement, any motion in limine, proposed jury instructions, and verdict form. <i>See</i> Local Rule 3.06(b). (Must be at least seven days before the final pretrial conference.)	3/25/2024

Date of the final pretrial conference. <i>See</i> Fed. R. Civ. P. 16(e); Local Rule 3.06(b).	4/1/2024
Month and year of the trial term.	7/10/2024

The trial will last approximately 3 days and be

☒ jury.

☐ non-jury.

3. Description of the Action

This action is brought against All About Moving Tampa Bay, Inc., Phillip Diamond, and Melisia Diamond (“Defendants”), and Does 1-10 by Agios Mixael, LLC and

Good Greek Franchises, LLC (“Plaintiffs”). Plaintiffs assert that Defendants are actively infringing on Plaintiffs’ registered trademarks and violating Plaintiffs’ copyrights.

Defendants deny the allegations against them.

4. Disclosure Statement

☒ The parties have filed their disclosure statement as required by Federal Rule of Civil Procedure 7.1 and Local Rule 3.03.

5. Related Action

☒ The parties acknowledge their continuing duty under Local Rule 1.07(c) to notify the judge of a related action pending in the Middle District or elsewhere by filing a “Notice of a Related Action.” No notice need be filed if there are no related actions as defined by the rule.

6. Consent to a Magistrate Judge

“A United States magistrate judge in the Middle District can exercise the maximum authority and perform any duty permitted by the Constitution and other

laws of the United States.” Local Rule 1.02(a). With the parties’ consent, a district judge can refer any civil matter to a magistrate judge for any or all proceedings, including a non-jury or jury trial. 28 U.S.C. § 636(c).

The Court asks the parties and counsel to consider the benefits to the parties and the Court of consenting to proceed before a magistrate judge. Consent can provide the parties certainty and flexibility in scheduling. Consent is voluntary, and a party for any reason can decide not to consent and continue before the district judge without adverse consequences. *See* Fed. R. Civ. P. 73(b)(2).

☐ The parties do consent and file with this case management report a completed Form AO 85 “Notice, Consent, and Reference of a Civil Action to a Magistrate Judge,” which is available on the Court’s website under “Forms.”

☒ The parties do not consent.

7. Preliminary Pretrial Conference

☒ The parties do not request a preliminary pretrial conference before the Court enters a scheduling order.

☐ The parties do request a preliminary pretrial conference, and the parties want to discuss enter discussion points.

8. Discovery Practice

The parties should read the Middle District Discovery Handbook, available on the Court's website at flmd.uscourts.gov/civil-discovery-handbook, to understand discovery practice in this District.

☒ The parties confirm they will comply with their duty to confer with the opposing party in a good faith effort to resolve any discovery dispute before filing a motion. *See* Local Rule 3.01(g); *Middle District Discovery* (2021) at § I.A.2.

9. Discovery Plan

The parties submit the following discovery plan under Rule 26(f)(2):

A. The parties agree to the timing, form, or requirement for disclosures under Rule 26(a):

☒ Yes.

☐ No; instead, the parties agree to these changes: enter changes.

B. Discovery may be needed on these subjects:

- Defendants' alleged use of the trademarks, copyrighted works, and confusingly similar marks;
- Defendants' marketing and advertising efforts;
- Whether the asserted and accused trademarks are likely to be confused;
- Whether the Plaintiffs are the senior or junior users of the asserted trademarks;
- Whether the asserted copyrights are substantially similar to the work accused of infringement;
- Whether Defendants had access to the copyrighted works;
- What protection, if any, is to be afforded the asserted copyrights;
- Any monetary damages alleged by the Plaintiffs;
- Any sales or profit realized by Defendant due to its alleged use of the trademarks and copyrighted works;
- The identity of Does 1-10;
- The parties reserve the right to amend this list or seek additional discovery supporting their claims and defenses as needed.

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