

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CONSOLIDATED ACTION

CASE NO. 20-60851-CIV-SINGHAL  
CASE NO. 20-22207-CIV-SINGHAL  
CASE NO. 20-22316-CIV-SINGHAL  
CASE NO. 20-22594-CIV-SINGHAL

IN RE: UNIVERSITY OF MIAMI COVID-19  
TUITION AND FEE REFUND LITIGATION

---

**ORDER**

**THIS CAUSE** has come before the Court upon Plaintiffs' Motion for Extension of Time to File Plaintiffs' Summary Judgment Motion Following Class Certification Ruling (DE [146]). A brief discussion of the history of this case is required.

On September 13, 2021, the Court granted the parties' Joint Motion to Extend Case Deadlines and re-set the trial date and pre-trial deadlines; the deadline for filing dispositive motions was extended to September 23, 2022. (DE [85]). On May 31, 2022, the Court granted in part another joint motion to extend pre-trial deadlines. The discovery, expert disclosure, and motion for class certification deadlines were extended but the motion was expressly denied for the remaining pre-trial deadlines. The Order stated that "[n]o further extensions will be granted absent extraordinary circumstances." (DE [108]).

On September 21, 2022, Plaintiffs filed the present motion seeking to extend the deadline for filing their motion for summary judgment. They propose filing the motion for summary judgment 28 days after the Court rules on the pending Motion for Class Certification. As support, Plaintiffs cite the "one-way intervention" rule, which provides that class certification should be adjudicated prior to summary judgment so that class

members cannot choose their membership in a class after a lawsuit is resolved on the merits. *London v. Wal-Mart Stores, Inc.*, 340 F.3d 1246, 1252 (11th Cir. 2003). There is no rule, however, that a plaintiff's motion for summary judgment cannot be filed before class certification is resolved. The court must merely withhold ruling on a pending summary judgment.

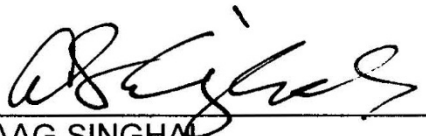
Plaintiffs offer no reason why a summary judgment motion could not have been prepared and filed by the September 23, 2022, deadline. Plaintiffs offer no reason why the present motion could not have been made in July 2022, when the Motion for Class Certification was filed. The Court is particularly concerned about Plaintiffs' disregard of the Court's orders, especially the May 31, 2022, Order stating that no further extensions will be granted absent extraordinary circumstances.

The trial court's scheduling orders "control the course of the action unless the court modifies it." *United States v. Marder*, 318 F.R.D. 186, 189–90 (S.D. Fla. 2016) (citing Fed. R. Civ. P. 16(d)). "As scheduling orders set the expectations of the parties and the Court during the pretrial process, such orders 'should not be ignored blithely nor trifled with, without some peril or consequence.'" *Id.* (quoting *Hudson v. I.R.S.*, 2007 WL 2295048, at \*10 (N.D.N.Y. Mar. 27, 2007)).

The Court finds that Plaintiffs have failed to establish the extraordinary circumstances required to extend the dispositive motion deadline. Accordingly, it is hereby

**ORDERED AND ADJUDGED** Plaintiffs' Motion for Extension of Time to File Plaintiffs' Summary Judgment Motion Following Class Certification Ruling (DE [146]) is **DENIED**.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 21st day of November 2022.

  
\_\_\_\_\_  
RAAG SINGHAL  
UNITED STATES DISTRICT JUDGE

Copies furnished counsel via CM/ECF