

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA**

SYSTEM STORMSEAL PTY LTD and
STORMSEAL USA, LLC,

Plaintiffs/Counterclaim Defendants,

v.

ABC SUPPLY CO., INC., MULE-HIDE
PRODUCTS CO., INC., and STRUCTURAL
WRAP, LLC,

Defendants/Counterclaim Plaintiffs.

C.A. NO. 9:22-cv-81726-AHS

JOINT MOTION FOR EXTENSION OF PRETRIAL AND TRIAL DEADLINES

Plaintiffs/Counterclaim Defendants System Stormseal Pty Ltd. and Stormseal USA, LLC (“Plaintiffs” or “Stormseal”), together with Defendant Structural Wrap, LLC (“Defendant” or “Structural Wrap,” and collectively with Plaintiffs, the “Parties”),¹ hereby move to extend the pretrial deadlines and trial dates in the current scheduling order. ECF No. 51. This is a patent infringement case involving both claims and counterclaims of patent infringement relating to the installation of temporary roofing systems on damaged roofs. The Parties have been working diligently under the current discovery schedule. Specifically, the Parties have substantially completed document production, negotiated and agreed upon a protocol for email discovery, collected, searched, and produced email discovery, and begun taking fact depositions. In addition, the Parties have undertaken relevant third-party discovery.

¹ The other named parties, ABC Supply Co, Inc. and Mule-Hide Products Co., Inc., have been dismissed. Accordingly, this motion is filed jointly by the remaining Parties to the case. ECF No. 48.

The Parties seek an extension of the remaining pretrial deadlines and trial deadlines for good cause, however, because of exceptional circumstances that have created a number of logistical issues delaying certain fact depositions and therefore making it impracticable to complete expert reports on the current schedule. Specifically, the bulk of Stormseal's witnesses live in Australia, and their availability for depositions in the United States is heavily dependent on their ability to fit travel and deposition days into their personal and business schedules in their home countries. As such, Stormseal witnesses from Australia are scheduled to be deposed in early February and early mid-March, which does not allow the Parties time to incorporate any relevant testimony into their expert reports. Additionally, undersigned Stormseal counsel recently had a trial scheduled in a case that has been pending since 2021 and has been awaiting IPR determinations. That trial is scheduled to begin June 25, 2024 in the Central District of California. Moving the trial date in this matter will help to accommodate counsel's trial and pretrial schedule in the older matter. The reasoning for this extension request is set forth in counsel's accompanying affidavit.

Additionally, from the Structural Wrap side, as set forth in the accompanying affidavit of Mr. Larry Bond ("Bond Affidavit"), two Structural Wrap witnesses (Messrs. Larry and Zachary Bond) are responsible for caring for their father, who is being treated for terminal cancer. Bond Aff. ¶ 3. Over the course of the last several weeks, their father's cancer has become more aggressive. *Id.* As a result of the father's declining health, the Parties agreed to adjourn the previously scheduled deposition dates of January 26 for Zachary Bond and January 29 for Larry Bond. While the Parties are working to reschedule those depositions, the dates are currently uncertain and are not likely to be before mid-February. *Id.* ¶4.

In short, despite the Parties' efforts and substantial progress on discovery, these logistical issues beyond their control necessitate this request for an extension of the current deadlines. The extensions requested below will permit the Parties to complete fact depositions, incorporate any relevant testimony into expert reports, and complete pretrial exchanges in an organized and efficient manner.

Accordingly, the Parties respectfully jointly request that the Court enter an amended scheduling order that adjusts the remaining deadlines as follows:

Event	Current Deadline	Proposed Deadline
Parties disclose experts and exchange expert witness summaries or reports	Feb. 7, 2024	April 3, 2024
Parties exchange rebuttal expert witness summaries or reports	March 6, 2024	May 15, 2024
All discovery, including expert discovery, is completed	March 20, 2024	May 29, 2024
Parties must have completed mediation and filed a mediation report	March 27, 2024	Unchanged
All pre-trial motions, motions in limine, and Daubert motions (which include motions to strike experts) are filed. This deadline includes all dispositive motions	April 10, 2024	June 12, 2024
Parties shall file all depositions to be used at trial and advise of the deposition portions to be used at trial by designating the page and line of each deposition. If both parties plan to use the deposition of a particular witness, the parties shall confer and file only one copy of the transcript. Any objections or counter-designations shall be filed within ten (10) days of the designations	June 12, 2024	August 28, 2024
Counsel meet to review pre-marked exhibits and proposed demonstrative exhibits	June 19, 2024	September 11, 2024
Parties submit joint pre-trial stipulation and witness and exhibit lists in accordance with Local Rule 16.1(d) and (e), proposed jury instructions and verdict form, or proposed findings of fact and conclusions of law, as applicable	June 28, 2024	September 18, 2024

Calendar Call	July 10, 2024	September 25, 2024, subject to the Court's availability
Trial Setting	July 15, 2024	September 30, 2024, subject to the Court's availability

In proposing the foregoing schedule of dates, the Parties have been mindful of the Court's guidelines with respect to the time between events, such as the 100 days the Court's scheduling guidelines contemplate between pre-trial motions and trial. The Parties respectfully request that the Court grant this motion and extend the current deadlines as set forth above.

Dated: January 31, 2024

Respectfully submitted,

DUANE MORRIS LLP

/s/ Tyler Marandola

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Attorneys for Defendant Structural Wrap, LLC

Certificate of Good Faith Compliance with Local Rule 7.1(a)(3)

The undersigned certifies that Stormseal's counsel has conferred with counsel for Structural Wrap and that the Parties agreed to jointly file this motion.

Dated: January 31, 2024

DUANE MORRIS LLP

By: /s/ Tyler Marandola

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2024 a true and correct copy of the foregoing was filed electronically with the Clerk of the Court using the Case Management/Electronic Case Files (“CM/ECF”) System. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipts. Parties may access this filing through the Court’s system.

/s/ Stephanie Vazquez

Stephanie Vazquez

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**AFFIDAVIT OF TYLER MARANDOLA, ESQ. IN SUPPORT OF
JOINT MOTION FOR EXTENSION**

1. I, Tyler R. Marandola, hereby make this affidavit in support of the parties Joint Motion for Extension of Pretrial and Trial Deadlines.

2. I am a partner in the law firm of Duane Morris LLP. I am counsel of record in this case for Plaintiffs System Stormseal Pty, Ltd. and Stormseal USA, LLC (together, “Stormseal”).

3. In the past several weeks and months, the parties have been working on scheduling fact depositions. Stormseal’s witnesses, specifically Matthew Lennox and Justin Gallagher, are located in Australia, and therefore scheduling depositions in the United States must account for their personal and business schedules. Those scheduling difficulties are complicated by the fact that Australia’s storm season is ongoing and thus consuming much of the time of Stormseal’s Australian employees.

4. These scheduling difficulties have made it impractical to finish crucial fact depositions before the current deadline for expert reports on February 7, 2024. Specifically, Mr. Lennox’s deposition is now scheduled to take place February 9, 2024, while Mr. Gallagher is

unlikely to be able to travel to the United States for a deposition until early March.

5. Also, certain important Structural Wrap fact depositions have had to be adjourned. Specifically, undersigned counsel agreed to postpone the depositions of Larry Bond and Zachary Bond on the representation that they were caring for an ill family member. Those depositions have not yet been able to be rescheduled.

6. For all these reasons, Stormseal has worked with Structural Wrap to propose amendments to the schedule that will provide the parties the ability to finish fact depositions in the coming weeks and prepare expert reports in an efficient and timely manner. Because the proposed schedule changes would necessitate the re-scheduling of trial, counsel is submitting this affidavit pursuant to Local Rule 7.6.

7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 31, 2024

/s/ Tyler Marandola

Tyler Marandola, Esq.

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**AFFIDAVIT OF LARRY BOND IN SUPPORT OF
JOINT MOTION FOR EXTENSION OF PRETRIAL AND TRIAL DEADLINES**

1. My name is Larry Bond. I am a co-founder of Structural Wrap, LLC.
2. I understand that Plaintiffs have requested to take my deposition in the above-captioned litigation. I also understand that Plaintiffs requested to take the deposition of my brother, Zachary Bond, who is an employee of Structural Wrap, LLC.
3. My brother and I are responsible for caring for our father, who is being treated for terminal cancer. Over the course of the last several weeks, our father's cancer has become more aggressive, and we are not in a position to leave his bedside or to stop caring for him at the end of his life.
4. As a result of my father's declining health, we cannot go forward with my deposition (which was originally scheduled for January 29, 2024) and my brother's deposition (which was originally scheduled for January 26, 2024). We expect to have a better understanding of our father's prognosis in the coming days so that we can reschedule our depositions for February or early March.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 30,
2024.

A handwritten signature in black ink, appearing to read "Larry Bond", is written over a horizontal line.

Larry Bond