

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ANTHONY B. TUFANO,

Plaintiff,

v.

Case No: 2:12-cv-228-FtM-99SPC

**MATTHEW BRIAN BUSH and
BRANDON ERIC GUYER,**

Defendants.

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ORDER

This matter comes before the Court on Defendant, Matthew Bush's Objection to Subpoena Duces Tecum and Motion for Protective Order (Doc. #11) filed on May 31, 2012. This Court previously issued an Order granting in part and denying in part Bush's Motion for Protective Order (Doc. #18). In that Order, the Court noted that it would conduct an *in camera* review of the content of the text messages sent and received from Defendant Matthew Brian Bush's cellular telephone number, (619) 997-9699, on March 22, 2012 – the date of the accident at issue in this case.

The Court has received the information from Defense Counsel for *in camera* review and notes that as indicated in the cover letter to the Court – on which Plaintiff's Counsel was copied – Verizon Wireless destroys the contents of all text messages not later than the fifth day following its being sent and/or received. Therefore, Defendant's Motion for Protective Order regarding the content of Bush's text messages sent and received from his cellular telephone on March 22, 2012 is denied as moot as it does not appear that Verizon Wireless is in possession of this information any longer.

Accordingly, it is now

ORDERED:

Defendant's request for a protective order regarding the content of Bush's text messages sent and received from his cellular telephone on March 22, 2012 is denied as moot.

DONE and **ORDERED** in Fort Myers, Florida this 4th day of September, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record