

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SCOMA CHIROPRACTIC, P.A., a
Florida corporation, individually and
as the representative of a class of
similarly situated persons

Plaintiff,

v.

Case No: 2:16-cv-143-FtM-38CM

CELTIC BANK, KABBAGE, INC.,
LOANME, INC. and JOHN DOES
(1-10),

Defendants.

ORDER

Before the Court is Plaintiff's Motion to Preserve Evidence from Westfax, Inc. and Incorporated Memorandum of Law (Doc. 10), filed on February 23, 2016.¹ Plaintiff seeks an Order directing WestFax, Inc. to preserve evidence that is directly relevant to the issues in this case and may otherwise be automatically deleted in the ordinary course of business. Doc. 10 at 2. Plaintiff represents that WestFax, Inc. "will preserve the evidence with an appropriate Court Order." *Id.* The Court finds good cause to grant the motion. *Id.*

¹ No Defendant has entered an appearance in this matter; therefore, the motion is ripe for review.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Motion to Preserve Evidence from Westfax, Inc. and Incorporated Memorandum of Law (Doc. 10) is **GRANTED**.

2. WestFax, Inc. is directed to preserve during the pendency of this case the following items:

- a. All electronic mail and information about electronic mail (including message contents, header information and logs of electronic mail systems usage) sent or received by anyone relating to Defendants;
- b. All other electronic mail and information about electronic mail (including message contents, header information and logs of electronic mail system usage) containing information regarding Defendants;
- c. All databases (including all records and field structural information in such databases); containing any reference to and/or information about Defendants;
- d. All logs of activity or any computer system which may have been used to process or store electronic data containing information about Defendants;
- e. All word processing files and file fragments containing information about Defendants;

- f. With regard to electronic data created by application programs that process financial, accounting and billing information, all electronic files and file fragments containing information about Defendants;
- g. All files and file fragments containing information from electronic calendars and scheduling programs where such data files contained information about Defendants;
- h. All electronic data files and file fragments created or used by electronic spreadsheet programs where such data files contained information about Defendants;
- i. All other electronic data containing information about Defendants;
and
- j. All electronic mail from third party resources (e.g. Hotmail, Yahoo, Gmail, AOL, etc.) that may contain references or correspondence regarding Defendants.

DONE and **ORDERED** in Fort Myers, Florida on this 26th day of February, 2016.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record