

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**ERSKIN BELL, and PHILLIPA ST.  
MARIE-BELL, as Guardians and Parents  
of Erskin Bell, II,**

**Plaintiffs,**

**-vs-**

**Case No. 6:09-cv-876-Orl-35KRS**

**GEICO GENERAL INSURANCE  
COMPANY,**

**Defendant.**

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**ORDER**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFFS' MOTION FOR LIMITED WAIVER OF  
PRIVILEGE RELATING TO JANUARY 19, 2009 MEMO  
DRAFTED BY MICHELE BRUNER (Doc. No. 65)**

**FILED: June 15, 2011**

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**THEREON it is ORDERED that the motion is DENIED.**

Plaintiffs ask that they be allowed to use a memorandum written by paralegal Michele Bruner while she was employed at Colling, Gilbert, Wright & Carter without waiving privileges and protections claimed by that law firm generally. Defendant opposes the motion, arguing that it requested this memorandum in discovery but it was withheld based on the assertion of attorney-client privilege and work product. Defendant argues that it would be unfair to allow Plaintiffs "to 'cherry

pick' a single document over which they have asserted privilege during discovery, which they apparently believe is helpful to their case, and disclose that document while continuing to withhold all other documents over which they have asserted privilege . . . ." Doc. No. 72 at 3.

I ordered Plaintiffs to file a reply to Defendant's response to address the question of prejudice to Defendant based on the earlier refusal to disclose the document at issue. The reply was due on or before July 18, 2011. Doc. No. 75. As of the writing of this Order, a reply has not been filed, and the time for filing the reply has passed. Therefore, I find that Plaintiffs do not dispute that the document was previously withheld and they have no good cause to support their request to rely upon that document at this late stage of the case without disclosing the other documents that were withheld based on privilege and protection claims.

**DONE** and **ORDERED** in Orlando, Florida on July 19, 2011.

*Karla R. Spaulding*  
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KARLA R. SPAULDING  
UNITED STATES MAGISTRATE JUDGE