

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

BERLENA SHEFFIELD,

Plaintiff,

v.

Case No: 6:17-cv-273-Orl-37KRS

**RODRIGUEZ GREENE, KAREN
RAINFORD AKINPELU, VICKIE
DYANNE ALVES and CHRISTINA
DALY,**

Defendants.

ORDER

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

**MOTION: DEFENDANT, CHRISTINA DALY'S, UNOPPOSED
MOTION FOR ENLARGEMENT OF DEADLINE TO
PRODUCE RESPONSIVE SURVEILLANCE VIDEOS (Doc.
No. 135)**

FILED: January 18, 2018

**THEREON it is ORDERED that the motion is GRANTED in part and
DENIED in part.**

The forensic expert has provided an affidavit detailing the ongoing problems with recovering surveillance video from the four DVR devices. These problems arise from FDJJ failing to properly preserve the DVR devices by keeping them connected to a power source. Nevertheless, the Court will extend the deadline to continue attempts to recover surveillance video stored on the DVR devices to February 2, 2018.

The deadline to produce duplicate copies of the surveillance videos is not extended because FDJJ has not provided sufficient information to establish why those copies of surveillance videos cannot be disclosed today in the exercise of due diligence, as required by the earlier Court order.

Finally, there is no indication in the notices of partial compliance whether FDJJ asserted any privilege to any of the surveillance videos produced. If privilege logs were not provided with the surveillance videos that have been produced, any claim of privilege or protection has been waived. If privilege logs were served, it is **ORDERED** that FDJJ must file a motion for the Court to resolve any claims of privilege or protection to which Plaintiff objects on or before January 24, 2018. As the party asserting privilege and protections, FDJJ has the burden of supporting those assertions with evidence and legal authority. *See* Standing Order on Privilege Logs, www.flmd.uscourts.gov – Judicial Info – Orlando Judges – Magistrate Judge Spaulding – Standing Orders.

This order, and the pendency of any discovery related motions (including motions for sanctions), does not extend any other dates in the Case Management and Scheduling Order, including the deadline for filing summary judgment and *Daubert* motions. FJDD may not rely on surveillance videos produced after the close of discovery, December 29, 2017, in support of dispositive motions or responses thereto except by leave of Court.

DONE and **ORDERED** in Orlando, Florida on January 19, 2018.

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