

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-61688-CIV-COHN/SNOW

AMY ADAMS, et al.,

Plaintiffs,

v.

SCOTT W. ROTHSTEIN, TD BANK, N.A.,
and GIBRALTAR PRIVATE BANK AND
TRUST COMPANY,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE JOINT MOTION FOR LEAVE TO
DEPOSE INCARCERATED DEFENDANT SCOTT W. ROTHSTEIN**

THIS CAUSE is before the Court on Plaintiffs and Defendant TD Bank, N.A.'s Joint Motion for Leave to Depose Incarcerated Defendant Scott W. Rothstein [DE 37].¹ The Court has considered the motion and the record in this case, and is otherwise fully advised in the premises.

In a related case to the bankruptcy action, In Re: Rothstein Rosenfedlt Adler, P.A., No. 11-cv-61338-COHN (S.D. Fla.), this Court has ordered Mr. Rothstein to appear on December 12, 2011 for deposition by interested parties in the bankruptcy proceedings. Plaintiffs and TD Bank request permission to participate in the December deposition to aid in discovery and the litigation of this action. The security protocol deadlines to participate in the December deposition have passed, precluding the parties from participating.

¹ Defendant Gibraltar Private Bank and Trust Company does not oppose the relief sought.

However, in the related case, the undersigned recently deferred ruling on a request to bifurcate the proceeding to afford additional parties a chance to participate in Mr. Rothstein's deposition. See DE 85 in Case No. 11-cv-61338-COHN. The Court noted, "Any party who demonstrates a need to participate in a deposition of Scott Rothstein who is unable to participate in the December session because of the security restrictions imposed by the Marshal's Service, shall be afforded an opportunity to make a separate application for another deposition in early spring of 2012." Id. To the extent that the parties in this case can demonstrate sufficient cause, they may request permission to participate in a future deposition. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Joint Motion for Leave to Depose Incarcerated Defendant Scott W. Rothstein [DE 37] is **DENIED without prejudice**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 29th day of November, 2011.


JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF