

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-20784-CIV-SEITZ/O'SULLIVAN

GARY and DIANNE BARNES,

Plaintiffs,

v.

CARNIVAL CORPORATION,

Defendant.
_____ /**ORDER**

THIS MATTER comes before the Court on Plaintiffs' Motion for Sanctions for Defendant's Failure to Comply with Court Order of December 19, 2007 (DE# 195, 10/28/08). Having reviewed the applicable filings and the law, it is

ORDERED AND ADJUDGED that Plaintiffs' Motion for Sanctions for Defendant's Failure to Comply with Court Order of December 19, 2007 (DE# 195, 10/28/08) is **STRICKEN** from the record. The instant motion fails to comply with Judge Seitz's Discovery Procedure (see attached Discovery Procedures). The Court's discovery procedures were initially attached to the Order Setting Trial Date, Pretrial Deadlines and Referral to Magistrate (DE# 34, 10/5/06). On April 1, 2008, this matter was transferred to the undersigned. The Court's discovery procedures continue to apply to this case.

DONE AND ORDERED, in Chambers, at Miami/Florida, this 28th day of October, 2008.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
United States District Judge Seitz
All Counsel of Record

**DISCOVERY PROCEDURE FOR
MAGISTRATE JUDGE CHRIS M. McALILEY**

The following discovery procedures apply to all civil cases assigned to United States District Judge Patricia A. Seitz.

If a discovery dispute arises, the parties **must** confer in a good faith effort to resolve the dispute.

MOTION CALENDAR -

If the parties are unable to resolve any discovery dispute without Court intervention, prior to filing a written motion, the moving party shall contact the chambers of **Magistrate Judge Chris M. McAliley at (305) 523-5890** and place the matter on the next available discovery calendar. The movant shall contact chambers no later than noon on the Friday preceding the discovery calendar, and shall do so **ONLY** after conferring with opposing counsel and confirming his or her availability for the discovery calendar.

Judge McAliley will hold a regular discovery calendar every **Wednesday, from 10:00 a.m. to 11:30 a.m.** in Courtroom VII, United States Courthouse, 300 N.E. First Avenue.

NOTICE OF HEARING -

On same day that the matter is placed on the discovery calendar, the movant shall file and serve a Notice of Hearing on opposing counsel and Judge McAliley via facsimile at (305) 523-5899. The Notice of Hearing shall briefly specify the substance of the discovery matter to be heard. No more than ten (10) minutes per side will be permitted. The movant shall include in this Notice of Hearing a certificate of good faith that complies with S.D. Fla. L. R. 7.1 (A)(3).

No later than noon on the Monday preceding the discovery calendar, the parties shall provide Judge McAliley with a copy of all source materials relevant to the discovery dispute, via facsimile or hand-delivery. (For example, if the dispute concerns interrogatories, the interrogatories at issue and the response thereto shall be provided to Judge McAliley's chambers.)

NO WRITTEN DISCOVERY MOTIONS -

To minimize the need for discovery motions, no written discovery motions, including motions to compel, for protective order, or related motions for sanctions shall be filed unless the Court so directs at the discovery calendar.

The Court expects all parties to engage in reasonable compromise to facilitate the resolution of their discovery disputes. The Court may impose sanctions, monetary or otherwise, if the Court determines discovery is being improperly sought or is being withheld in bad faith.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

**DISCOVERY PROCEDURE FOR
MAGISTRATE JUDGE JOHN J. O'SULLIVAN**

The following discovery procedure applies to all civil cases assigned to United States District Judge Patricia A. Seitz.

If parties are unable to resolve their discovery disputes without Court intervention, Magistrate Judge John J. O'Sullivan will hold a regular discovery calendar every Thursday, from 9:30 a.m. to 11:00 a.m. in the South Courtroom, United States Courthouse, 2nd Floor, 300 N.E. First Avenue.

If a discovery dispute arises, the moving party must seek relief within fifteen (15) days after the occurrence of the grounds for relief, by contacting Magistrate Judge O'Sullivan's Chambers and placing the matter on the next available discovery calendar.

A matter must be placed on the calendar by contacting Magistrate Judge O'Sullivan's Chambers no later than three (3) days prior to the calendar. Magistrate Judge O'Sullivan's telephone number is (305) 523-5920.

After a matter is placed on the discovery calendar, the movant shall provide notice to all relevant parties by filing a Notice of Hearing. The Notice of Hearing shall briefly specify the substance of the discovery matter to be heard. No more than ten (10) minutes per side will be permitted.

No written discovery motions, including motions to compel and motions for protective order, shall be filed unless the parties are unable to resolve their disputes at the motion calendar, or unless requested by Magistrate Judge O'Sullivan. It is the intent of this procedure to minimize the necessity of motions.

The Court expects all parties to act courteously and professionally in the resolution of their discovery disputes. The Court may impose sanctions, monetary or otherwise, if the Court determines discovery is being improperly sought or is not being provided in good faith.