

07-21329.or2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 07-21329-CIV-BROWN

THIS IS A CONSENT CASESANDS POINTE OCEAN BEACH
RESORT CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff(s),

v.

QBE INSURANCE CORPORATION,

Defendant(s),
_____/**ORDER RE:PENDING MATTERS**

THIS MATTER came before this Court on on plaintiff's Amended Motion to Compel (D.E. 93), and Motion to Enforce Discovery Deadline (D.E. 98). On December 30, 2008, a hearing was held and argument of counsel considered. In addition the Court announced its ruling on Defendant's Motion to Strike (D.E. 120), and considered defendant's Motion for Continuance (D.E. 112).

The Court being otherwise fully advised in the premises it is hereby **ORDERED AND ADJUDGED** as follows:

1. Defendant's Corrected Motion for Continuance (D.E. 112) is **GRANTED**. As announced at the hearing, the case is being reset to commence on April 20, 2009, and a separate trial order will be forthcoming.

2. Plaintiff's Motion to Enforce Discovery Deadline (D.E. 98)¹ is **DENIED**, except that the only discovery that will be permitted is the taking of the depositions as discussed at the hearing, and the other specific discovery discussed at that time.

The parties were ordered to submit a schedule for the depositions to the Court by January 14, 2009. If not received by the Court as set forth, the Court would then issue its own deposition schedule.

3. With regard to the Amended Motion to Compel (D.E. 93), defendant was ordered to peruse the underwriting file and the claims file and to produce any documents therein that factually demonstrate the condition of the building prior to the alleged hurricane damage. The Court will be conducting an *in camera* inspection of the claims file to determine if any other materials are to be produced. A separate order will address this.

4. Defendant shall produce responsive documents, if any (see paragraph 4, supra) within ten (10) days from the date of this order.

5. Defendant's Motion to Strike is **DENIED**.

DONE AND ORDERED this 5th day of January, 2009, at Miami, Florida.


STEPHEN C. BROWN
UNITED STATES MAGISTRATE JUDGE

cc: counsel of record

¹The same motion is essentially contained again in D.E. 114.