

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-22236-CIV-GOLD/MCALILEY

HOWARD ADELMAN and JUDITH
SCLAWY, as co-personal representatives
of the ESTATE OF MICHAEL
SCLAWY-ADELMAN,

Plaintiffs,

v.

BOY SCOUTS OF AMERICA, et al.,

Defendants.

ORDER ON MOTION TO COMPEL

Pending before the Court is Plaintiffs' Unopposed Motion to Compel Report from Forensic Laboratory Regarding Apparently Missing Data from GPS Download and to Allow Deposition of Forensic Laboratory. [DE 167]. Plaintiffs ask the Court to direct Guardian Digital Forensics, an expert that examined Mr. Compton's GPS, to provide a written report regarding that inspection, explaining in detail the steps its employee Lars Daniel took in conducting the inspection, identifying the information recovered, and addressing data that could not be recovered (in particular, time entries). Plaintiffs also seek permission to depose the expert.¹ [DE 167, ¶ 11]. Defendants have no objection to the request relief. [DE 167,

¹ For the first time, Plaintiffs express confusion regarding the status of the expert; whether he is a Court-appointed, or Defendant's, expert. [DE 167, ¶ 13]. The Court did not appoint this expert pursuant to Federal Rule of Civil Procedure 706. Rather, Defendants wanted to conduct a forensic inspection of the GPS, chose the expert, paid the expert and even paid Plaintiffs' costs for attending the examination because Plaintiffs objected to traveling to North Carolina. He is Defendants' expert.

¶ 15].²

Based on the foregoing, the Court ORDERS that:

Plaintiffs' Unopposed Motion to Compel Report from Forensic Laboratory Regarding Apparently Missing Data from GPS Download and to Allow Deposition of Forensic Laboratory [DE 167] is **GRANTED**.

DONE and ORDERED in chambers in Miami, Florida this 17th day of March, 2011.


CHRIS McALILEY
UNITED STATES MAGISTRATE JUDGE

cc:
The Honorable Alan S. Gold
Counsel of record

² Because Defendants have no objection to the expert preparing the report and being deposed, it was not necessary for Plaintiffs to seek Court authorization.