

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 FOR PROTECTIVE ORDER

Pending before the Court is Plaintiffs' Motion for Protective Order on Defendant Howard Crompton and Andrew Schmidt's Notices for Deposition Duces Tecum of Plaintiffs Howard Adelman and Judith Sclawy. [DE 61]. Plaintiffs assert that several of the request set forth in the notices are harassing, subject to work product or attorney-client privilege protection, or have already been produced to Defendants. [DE 61, p. 3].

Plaintiffs have not, however, provided any information that would allow me to evaluate their claims of privilege, nor have they specified the requests to which they raise objections on grounds other than privilege. I have made a preliminary review of the notices *duces tecum* and it appears that some of the requests are not relevant to this action.¹

Based on the foregoing, the Court ORDERS that:

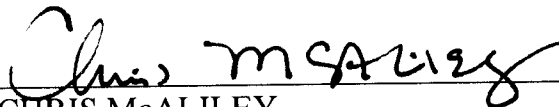
¹ For example, the request for copies of the decedent's employment records would not appear applicable here, where the decedent was nine-years old. [DE 61-1, p. 3].

The parties meet and confer in a good faith effort to resolve the disputed issues in the Motion. As part of the conferral process, Defendants shall review the requests and eliminate any that are not applicable to this action and Plaintiffs shall be prepared to specifically identify the responsive discovery they have already produced. Plaintiffs shall also provide to Defendants both legal authority and an offer of proof to support their claims of privilege.

If the parties are unable to fully resolve this dispute through the conferral process, **no later than December 13, 2010**, Plaintiffs may file an amended motion for protective order, no longer than 8 pages in length, setting out the requests that remain in dispute and brief argument regarding each request. Plaintiff may attach to the amended motion a privilege log and affidavits, or other proof, that they rely upon to meet their burden to establish any claim of privilege. Defendants may then file their response to the amended motion, no longer than 5 pages in length, **no later than December 20, 2010**.

The depositions of Plaintiffs are stayed pending the Court's resolution of this motion.

DONE and ORDERED in chambers in Miami, Florida this 2nd day of December, 2010.


CHRIS McALILEY
UNITED STATES MAGISTRATE JUDGE

cc:
The Honorable Alan S. Gold
Counsel of record