

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.

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ORDER FOLLOWING STATUS REPORT

On November 12, 2010, I held a telephonic status conference on Plaintiffs' Motion for Preservation of Evidence and/or Injunctive Relief [DE 55], to discuss a procedure for allowing all parties an opportunity to inspect the GPS device owned by Defendant Howard Crompton, and at the conclusion I ordered the parties to consult with their respective experts regarding an appropriate protocol for inspecting the GPS, and to meet and confer in an effort to agree to a protocol. The parties were then to file a status report, and to indicate either that the matter had been resolved, or to set forth "the nature of the remaining dispute, with citations to the authority the parties rely on in support of their respective positions." [DE 60].


On December 3, 2010, the parties did file a status report that in the most general way states four broad areas of remaining dispute, and does not cite any legal authority. [DE 65].

I can not tell from this status report what each party's respective position is. Moreover, while the status report hints that there is a dispute about a legal principle (ie., "what work product privilege shall apply"), counsel gave me no further information. Accordingly, the Court ORDERS that:

No later than December 21, 2010, each party shall each file a brief memorandum, at most 5 pages long, that plainly tells me how that party believes the GPS should be inspected (or provides, as an attachment, an expert's proposed protocol) and cites legal authority, to the extent they wish to rely on it. A party who fails to comply with this Order will be deemed to have waived its right to be heard on this issue.

I will hold a discovery conference on the matter on **December 29, 2010, at 11:00 a.m.** at the C. Clyde Atkins Courthouse, 301 North Miami Avenue, Sixth Floor. Counsel are welcome to appear by telephone, and if they wish to do so, should contact my chambers in advance for call in procedures. If the timing of this conference will interfere with any attorney's holiday plans, please file a brief notice to that effect, and I will reschedule the discovery conference for some time the following week.

DONE and ORDERED in chambers in Miami, Florida this 13th day of December, 2010.



CHRIS McALILEY
UNITED STATES MAGISTRATE JUDGE

cc:
The Honorable Alan S. Gold
Counsel of record