

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23512-CIV-PAS

EITZEN CHEMICAL (SINGAPORE) PTE,
LTD., et al.,

Plaintiffs,

v.

CARIB PETROLEUM, et al.,

Defendants.

ORDER ON INFORMAL DISCOVERY CONFERENCE

This matter came before the Court on an informal discovery conference held before the undersigned on August 12, 2011. The Honorable Patricia A. Seitz has referred all discovery in this case to the undersigned Magistrate Judge (DE # 28). The Court ruled on two discovery matters at the conference, stating the reasons for the rulings on the record. This Order sets forth these rulings, summarizes the reasons for them stated at the conference, and incorporates by reference such reasons. Having heard from the parties, and for the reasons stated on the record, it is hereby

ORDERED AND ADJUDGED as follows:

1. With respect to Item # 1 of Plaintiffs' Amended Notice of Telephonic Discovery Conference (DE # 55), the parties shall confer in an effort (a) to identify specific material(s), if any, under a specifically numbered item of Plaintiffs' First Requests for Production that has not been produced by Defendants, and (b) to resolve such discovery issues. If the parties cannot reach a resolution regarding a specific request or part thereof, Plaintiffs shall follow the Discovery Procedures set forth in the Order Setting Trial Date, Pretrial Deadlines and Referral to Magistrate (DE # 28 at 4) to set the matter for

a hearing on the undersigned's discovery calendar. The notice of hearing required by the Discovery Procedures shall identify the specific request(s) and material(s) at issue. In addition, Plaintiffs shall provide the undersigned a copy of all source materials relevant to the discovery dispute, via hand-delivery or through a scanned PDF document that is emailed to the CM/ECF mailbox (simonton@flsd.uscourts.gov) when the notice of hearing is filed. The notice of hearing shall also identify any general unresolved disputes regarding scope of the discovery requests or timeliness of hearing regarding the discovery dispute. In an effort to focus and clarify any remaining issues, Plaintiffs' notice of hearing may be up to two pages in length (not including certificates of conferral and service) in order to summarize Plaintiffs' arguments regarding the outstanding issues. Defendants may file a summary of their responsive arguments, with the same page limit restriction, within two business days after Plaintiffs file their notice of hearing.

2. With respect to Item # 2 of Plaintiffs' Amended Notice of Telephonic Discovery Conference (DE # 55), the parties indicated during the conference that the issue has been resolved, with the exception of a potential dispute regarding costs associated with the sample testing. Since no conferral regarding this potential issue had taken place prior to the conference, the parties are directed to confer regarding this issue. If it remains unresolved, Plaintiffs can set the matter for hearing in accordance with the Discovery Procedures above (without any provision for summary briefing in the notice of hearing).

DONE AND ORDERED in Miami, Florida, on August 18, 2011.



ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE

Copies furnished via CM/ECF to:
Counsel of Record