

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 17-20564-CIV-MOORE

HEATHER M. FEES, *et al.*,
Plaintiffs,

v.

ROBERT ZARCO, ESQUIRE, *et al.*,
Defendants.

ORDER FOLLOWING DISCOVERY CONFERENCE

THIS CAUSE came before the Court following the June 28, 2017 discovery conference in this matter. Defendants requested a discovery conference with the Court because they claimed that Plaintiffs' initial disclosures [DE # 46, filed May 18, 2017] were insufficient and that Plaintiffs refused to provide the documentation identified in the initial disclosures. Two days prior to the hearing, on June 26, 2017, Plaintiffs' counsel filed Supplemented Initial Disclosures [DE # 76].

Defendants explained at the outset of the hearing that Plaintiffs' Supplemented Initial Disclosures eliminated most of Defendants' concerns regarding Plaintiffs' Initial Disclosures. Defendants explained, however, Plaintiffs still failed to provide both a computation of the damages claimed by Plaintiffs in the initial and supplemented disclosures and all documents to support Plaintiffs' damages claims.

During the discovery conference, Plaintiffs' counsel maintained that Plaintiffs had been unable to provide said computation or documents without a protective order. Plaintiffs' counsel later conceded, however, that the Court had previously entered a Stipulated Protective Order [DE # 56] on May 24, 2017. At the hearing, Plaintiffs' counsel agreed that he could

indeed provide said computation and documents to Defendants in light of the protective order. (Plaintiffs' counsel failed to explain his two month delay in producing the computation and documents to Defendants since the protective order had been entered in May 2017). Plaintiffs' counsel was still hesitant, however, to provide any information concerning an earlier settlement Plaintiffs had received from a corporate entity (CPI) in the California case that preceded this action. The undersigned made clear to the parties that any such settlement information should be produced but that it will be subject to the protective order earlier entered by the Court. [See DE # 56].

Accordingly, it is hereby ORDERED and ADJUDGED that:

1. Plaintiffs shall produce a computation of all damages identified in paragraph C on page 18 of Plaintiffs' Supplemented Disclosures [DE # 76] to Defendants. Plaintiffs shall also produce all documents to support said computation to Defendants.
2. Plaintiffs shall also produce to Defendants any documents detailing the settlement proceeds received by Plaintiffs in the settlement in the California litigation and the sale of Plaintiffs' businesses to CPI.
3. Plaintiffs shall produce all documents identified in paragraphs 1-2 above to Defendants on or before 5:00 PM on July 12, 2017.
4. Failure to comply with this Order will result in the imposition of sanctions, including but not limited to the imposition of monetary sanctions.

DONE AND ORDERED, this 28th day of June 2017, in Miami, Florida.



BARRY L. GARBER
UNITED STATES MAGISTRATE JUDGE