

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 07-80031-CIV-MIDDLEBROOKS/JOHNSON

MICHAEL YOUNG,

Plaintiff,

v.

**REED ELSEVIER INC., SEISINT, INC.,
CITIBANK, FEDERAL SAVINGS BANK,
CITIBANK (WEST), FSB,
CITIMORTGAGE, INC., and
TRANS UNION, LLC,**

Defendants.

JOINT SCHEDULING REPORT

COMES NOW, the undersigned parties and file this, their Amended Joint Scheduling Report, and state:

I. Nature of This Action

Plaintiff, MICHAEL L. YOUNG (“YOUNG”), has sued REED ELSEVIER INC. d/b/a LEXIS-NEXIS (“LEXIS”) and SEISINT, INC. d/b/a ACCURINT (“ACCURINT”) for damages alleging defamation and a violation of Florida’s Unfair and Deceptive Trade Practices Act against Defendants. Plaintiff has also sued CITIBANK, FEDERAL SAVINGS BANK, CITIBANK (WEST), FSB, CITIMORTGAGE, INC. (collectively, “CITIBANK”) and TRANS UNION, LLC (“TRANS UNION”) for damages alleging violations of the Fair Credit Reporting Act (“FCRA”).

II. A Jury Trial Has Been Requested as to All Issues So Triable

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III. Scheduling Report of Scheduling Meeting Pursuant to Local Rule 16.1B2

On February 26, 2007, the parties conferenced by telephone to formulate a discovery plan. The parties have agreed that the initial disclosures required by Rule 26 (a) of the Federal Rules of Civil procedure shall be made on or before March 12, 2007. YOUNG and CIITBANK, agree that all witness lists, which shall include lists of expert witnesses with curriculum vitae and brief summary of opinions, and exhibit lists shall be filed on or before July 1, 2007. LEXIS, ACCURINT, and TRANS UNION request that Defendants' witness lists, which shall include lists of expert witnesses with curriculum vitae and brief summary of opinions, and exhibit lists be filed on or before July 23, 2007. The parties agree that discovery shall be completed by August 31, 2007. Defendant, TRANS UNION, LLC, requests that there be no limits on the number of depositions on written questions but Plaintiff, MICHAEL YOUNG, objects to this request.

Electronically Stored Information.

(1) The parties agree to preserve all Electronically Stored Information relating to the relationships among the parties and/or referencing YOUNG or the Michael J. Young referenced in the complaint including but not limited to financial records and matters set forth in the Complaint and Answers.

(2) The parties further agree that discovery of Electronically Stored Information will proceed in accordance with the default procedures set forth in the Amendments to the Federal Rules of Civil Procedure effective December 1, 2006 regarding the discovery of Electronically Stored Information, except as otherwise agreed by the parties.

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(3) LEXIS and ACCURINT request that in the first instance, electronic information may be produced in hard copy form. However, YOUNG, CIITBANK, and TRANS UNION do not agree that this shall be required. If the requesting party wants the electronic versions of any hard copy document produced, then the requesting party shall ask in writing for the electronic version by referencing the bates number of the document within 30 days of its production. If a request is made for an electronic version of a document, then the "responding party must produce [electronically stored] information in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable." Fed. R. Civ. P. 34(b)(ii). "[A] party need not produce the same electronically stored information in more than one form." Fed. R. Civ. P. 34(b)(iii).

(4) The parties further agree that an Agreed Protective Order will be prepared and executed regarding claims of confidential or protected information, including protection as trial-preparation material, in advance of the production of any documents, data or Electronically Stored Information and supplemented, if necessary, following any production of any documents, data or Electronically Stored Information.

Inadvertently Produced Information. The parties agree that with regard to the production of any information subject to the attorney-client privilege or protected as trial-preparation material, if the producing party discovers after production that such produced information is subject to a claim of privilege, then the parties agree that there is no waiver of privilege and that the information and all copies made of the information will be returned promptly to the

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producing party. LEXIS, ACCURINT, CITIBANK AND TRANS UNION also agree that drafts of any expert reports need not be retained or produced. YOUNG does not agree and requests that drafts of expert report be produced.

The parties discussed matters as required under Local Rule 16.1B2 the conclusions reached are as follows:

(a) discussion of likelihood of settlement: Settlement is possible.

(b) discussion of the likelihood of appearance in action of additional parties: Unknown at this time.

(c) proposed limits on time:

(i) to join other parties and to amend the pleadings – YOUNG and CIITBANK, request that the deadline for motions to amend the pleadings or add other parties be June 1, 2007 but LEXIS and ACCURINT request that this deadline be April 15, 2007.

TRANS UNION takes no position on the appropriate deadline for motions to join other parties and/or motions to amend the pleadings;

(ii) to file:

(1) motions regarding joinder of parties or amended see III, c, (i), above;

(2) dispositive motions on or before September 3, 2007; and

(3) motions in limine and other pretrial motions on or before September 24, 2007;

(iii) to complete discovery - see Section III., above.

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(d) proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses: The parties will evaluate the potential for dispositive motions to narrow the triable issues.

(e) the necessity of desirability of amendments to the pleadings: Plaintiff believes it is likely he will seek to amend the pleadings.

(f) the possibility of obtaining admissions of fact and documents, stipulations regarding the authenticity of documents, and the need for advanced rulings from the court on admissibility of evidence: It is expected that most of the facts and documents relating to transmission of information can be stipulated to. The need for advanced rulings on the admissibility of evidence is unknown at this time.

(g) suggestions for the avoidance of unnecessary proof and of cumulative evidence: None at this time.

(h) suggestions on the advisability of referring matters to a magistrate judge or master: The parties agree to authorize the referral of discovery matters to a Magistrate Judge or Master as is allowable. Defendants, TRANS UNION, LEXIS and ACCURINT do not consent to a trial before a Magistrate judge.

(i) time required for trial: Three (3) days.

(j) requested dates for conferences before trial, a final pre-trial conference and trial: Pretrial conference - October 10, 2007; Trial - October 22, 2007.

(k) any other information that might be helpful to the court in setting the case for status of

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pretrial conference: None.

Respectfully submitted,

Dated March 6, 2007

BARRY S. BALMUTH, P.A.

By: /s/ Barry S. Balmuth
BARRY S. BALMUTH, ESQUIRE
Florida Bar No.: 868991
E-mail: blamuthlaw@alum.emory.edu
Centurion Tower - Eleventh Floor
1601 Forum Place, Suite 1101
West Palm Beach, Florida 33401
Telephone: (561) 242-9400
Facsimile: (561) 478-2433
Counsel for YOUNG

FARUKI IRELAND & COX P.L.L.

By: /s/ Ronald I. Raether
RONALD I. RAETHER, JR., ESQUIRE
Ohio Bar No.: 0067731 (pro hac vice)
E-mail: rraether@ficlaw.com
500 Courthouse Plaza, SW
10 North Ludlow Street
Dayton, Ohio 45402
Telephone: (937) 227-3700
Facsimile: (937) 227-3717
Counsel for REED and SEISINT

COLE, SCOTT & KISSANE, P.A.

By: /s/ Trevor G. Hawes
TREVOR G. HAWES, ESQUIRE
Florida Bar No.: 521531
E-mail: trevor.hawes@csklegal.com
Cole, Scott & Kissane, P.A.
1805 Copeland Street
Jacksonville, Florida 32204
Telephone: (904) 399-2900
Facsimile: (904) 399-2110
Counsel for CITIBANK

FOWLER, WHITE, BURNETT, P.A.

By: /s/ Frank C. Cosmen
FRANK C. COSMEN, JR., ESQUIRE
Florida Bar No.: 89214
E-mail: fcosmen@fowler-white.com
Espirito Santo Plaza
1395 Brickell Ave.
14th Floor
Miami, Florida 33131-3302
Telephone: (305) 789-9229
Facsimile: (305) 632-0919
Counsel for TRANS UNION