

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

COMMUNITY ASSOCIATION
UNDERWRITERS OF AMERICA, INC.,
a/s/o VILLAGE AT CAMELBACK
PROPERTY OWNER ASSOCIATION,
et al.,

Plaintiffs,

v.

QUEENSBORO FLOORING CORP.,

Defendants.

CIVIL ACTION NO. 3:10-CV-1559

(MEHALCHICK, M.J.)

ORDER

AND NOW, this 3rd day of July, 2014, for the reasons stated in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. The Pozarlik's motion for Rule 37 sanctions ([Doc. 145](#)) is **GRANTED in part** and **DENIED in part**;
2. The Defendants' motion for a Rule 26(c) protective order ([Doc. 154](#)) is **GRANTED in part** and **DENIED in part**;
3. Within **fourteen (14) days** of the date of this Order, the Defendants shall produce a complete, certified copy of the Travelers D&O policy;
4. Within **fourteen (14) days** of the date of this Order, the Defendants shall produce the complete 298 Overlook Way file as kept in the ordinary course of business, as a separate document production set, each page bearing a new and unique bates number to distinguish it from documents previously produced;
5. Within **seven (7) days** of the date of this Order, the Pozarlik's shall identify to the Defendants those purportedly privileged documents they believe should be disclosed;
6. Within **fourteen (14) days** of the date of this Order, the Defendants shall produce copies of the purportedly privileged documents identified by the Pozarlik's to the Court for *in camera* inspection, and serve a copy of the transmittal letter (but not the purportedly privileged documents) on all other parties;

7. The Pozarliks are awarded up to \$1,500 in reasonable expenses and attorney fees incurred by them in connection with oral argument on their Rule 37 motion ([Doc. 145](#));
8. The Pozarliks are awarded reasonable expenses and attorney fees incurred by them in connection with the depositions of Dave Kalucki, Chris Travis, Phillippe Cruz, and John Hilbert, should they choose to take them;
9. The Pozarliks are granted leave to re-depose Kathleen Simoncic, if they so choose, and they are awarded reasonable expenses and attorney fees incurred by them in connection with that deposition;
10. The Defendants and their counsel of record shall be jointly responsible for payment to the Pozarliks of the expenses and attorney fees awarded by this Order;
11. The Pozarliks shall file a single, comprehensive petition for fees and expenses pursuant to this Order **within thirty (30) days after the close of fact discovery**; and
12. Counsel for the Defendants are formally reprimanded for their conduct in this case, as further detailed in the accompanying Memorandum Opinion.

BY THE COURT:

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States Magistrate Judge