

IN THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

MARY LOU SMITH, an individual,
and SHARON DENSON, an individual,

Plaintiffs,

v.

CASE NO. 08 CA 11315

TRAILER ESTATES PARK AND
RECREATION DISTRICT,
an independent special taxing district,
JANET JONES, an individual,
JOHN VANDER MOLEN, an individual,
JOSEPH SALERNO, an individual, and
MARY LOU McNULTY, an individual,

Defendants.

FILED FOR RECORD
R.B. SHORE
2010 FEB 12 AM 10:23
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

**ORDER DENYING INSPECTION
OF DISTRICT'S COMPUTER AND RELATED DEVICES**

THIS CAUSE having come before the Court on the above-referenced Motion, the Court having conducted a hearing on the Motion and being otherwise fully advised in the premises, it is hereby ORDERED:

1. In the Plaintiffs' Second and Third Request for Production to the District, the Plaintiffs request that the District produce all District office computers and related devices for "inspection and copying".

2. The Court finds that a request to examine a computer hard drive is only to be allowed in limited and controlled circumstances. The Court finds that unlimited access to the District computers would constitute irreparable harm because it may expose confidential or privileged information to the Plaintiffs.

3. The Court further finds that the Plaintiffs have failed to establish a proper predicate

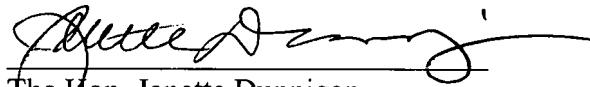


for the inspection and copying of the District computers and related devices. There is no evidence of any intentional deletion of documents or of any purposeful or intentional attempt to thwart discovery.

There is no evidence of any purposeful purging of documents or data. The Court also finds that the Plaintiffs have not established that there is no less intrusive means by which to obtain the information requested.

4. Accordingly, the Plaintiffs' Motion is denied.

DONE and ORDERED this 11 day of February, 2010.


The Hon. Janette Dunnigan
Circuit Court Judge

cc: Thomas D. Shults, Esquire
Kevin S. Hennessy, Esquire
Robert E. Turffs, Esquire
Daniel E. Scott, Esquire
James D. Dye, Esquire
Hunter W. Carroll, Esquire