

FILED FOR RECORD
R.B. SHORE

IN THE TWELFTH JUDICIAL CIRCUIT COURT
IN AND FOR MANATEE COUNTY, FLORIDA 2010 FEB 19 AM 9:38

CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

MARY LOU SMITH, et al.,

Plaintiffs,

v.

Case No. 2008-CA-11315

TRAILER ESTATES PARK AND
RECREATION DISTRICT, et al.,

Defendants.

**ORDER ON PLAINTIFFS' REQUEST TO ISSUE SUBPOENAS TO NONPARTIES
SEEKING THE COPYING AND SEARCHING OF PERSONAL COMPUTERS**

BEFORE THE COURT are all Defendants' objections to Plaintiffs' notices pursuant to Florida Rule of Civil Procedure 1.351 dated December 31, 2009, relating to Plaintiffs' intent to issue non-party subpoenas to (1) Martha Brauer; (2) Thelma Jo Miller; (3) Gail Opper; and (4) Bruce Smith. Each proposed subpoena sought the non-party to produce to Plaintiffs for copying and forensic investigation the non-party's home/personal computer as well as any of his or her hard drives or other various electronic storage devices.

The Court conducted a hearing on this matter on Friday, February 5, 2010. The Court, having read the motions, memorandums of law, the parties' submissions, and the file, having conducted a hearing, and being otherwise fully advised in the premises, has carefully balanced the interests of the Plaintiffs versus the various privacy rights of the non-parties and finds in favor of the rights of the non-parties.

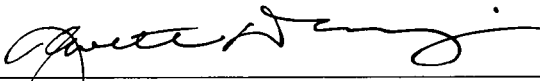


ACCORDINGLY, IT IS ORDERED AND ADJUDGED:

1. Defendants' objections to the issuance of the proposed subpoenas to the non-parties are SUSTAINED. The proposed subpoenas to these non-parties shall not be issued.

2. Plaintiffs' oral request made during the hearing that the Court consider limiting the scope of the proposed subpoenas to the non-parties is DENIED.

DONE and ORDERED in Bradenton, Manatee County, Florida, this 18 day of February, 2010.



The Hon. Janette Dunnigan, Circuit Judge

cc: Kevin Hennessy, Esq. / Jennifer Cowan, Esq.
Tom Shults, Esq. / Zac Ross, Esq.
Hunter W. Carroll, Esq.
Bob Turffs, Esq.
Dan Scott, Esq.
Jim Dye, Esq.