

LT

FILED FOR RECORD  
R.B. SHORE

2010 MAR 10 PM 3:55

CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

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

MARY LOU SMITH, et al

Plaintiffs,

v.

CASE NO. 08 CA 11315

TRAILER ESTATES PARK AND  
RECREATION DISTRICT, et al

Defendants.



**ORDER ON DEFENDANT MCNULTY'S OBJECTION TO PLAINTIFFS' MOTION TO  
COMPEL PRODUCTION AND MOTION FOR PROTECT ORDER**

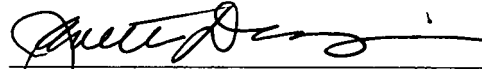
The Court has before it Defendant Mary Lou McNulty's Objection to Plaintiffs' Motion to Compel Production of her computer and Motion for Protective Order, dated August 31, 2009 and Plaintiffs' Motion to Compel, dated January 29, 2010. The Court having reviewed documents filed by the parties, heard arguments of counsel, and being otherwise fully informed of the premises, it is hereby ordered:

1. Plaintiffs' Second Request for Production to Defendant McNulty sought to inspect, copy, and image the hard drive from Defendant's computer used to "send, receive, or store emails" and "used to participate in blogs, chat rooms, chalkboards, bulletin boards, instant messages, groups, or other electronic mediums" from January 1, 2006 to the present. Defendant McNulty objected to the request for production citing lack of predicate, privacy rights, possible revelation of privileged information, and overbreadth of the request.

The Court, having balanced the interests implicated in the request finds that the Plaintiffs have not laid sufficient predicate to justify disclosure of Defendant's hard drive. Accordingly, the

Court denies Plaintiffs' Motion to Compel, and to the extent necessary, grants Defendant's Motion for Protective Order denying the Plaintiffs access to Defendant McNulty's personal computer.

DONE and ORDERED this 9 day of March, 2010.

  
\_\_\_\_\_  
The Honorable 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