UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ASHLEY KOZAWICK,

    Plaintiff,

v.   Case No: 6:18-cv-381-Orl-28TBS

DIGITAL RISK MORTGAGE SERVICES,
LLC,

    Defendant.

ORDER

This case comes before the Court without a hearing on the parties' Joint Motion to Approve and Adopt Clawback and Presumptively Privileged Protocol Stipulation (Doc. 11). Attached to the motion is a proposed order pursuant to F.R.E. 502(d) (Doc. 11-1).

The Court will not adopt or enact the parties' stipulation. The parties may reach their own agreements regarding the designation of materials as "confidential," and there is no need for the Court to endorse the parties' confidentiality agreement. The Court also discourages unnecessary stipulated motions for a protective order. The Court will enforce stipulated and signed confidentiality agreements. Each confidentiality agreement shall provide, or shall be deemed to provide that "no party shall file a document under seal without first having obtained an order granting leave to file under seal on a showing of particularized need."

The Court will enter a F.R.E. 502(d) order and now finds that the production of privileged or work-product protected documents, electronically stored information ("ESI") or other information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This

Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

DONE and ORDERED in Orlando, Florida on April 3, 2018.

THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record