UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOAO BOCK TRANSACTION SYSTEMS, LLC,

Plaintiff,

vs. Case No. 3:13-cv-223-J-34JRK

FIDELITY NATIONAL INFORMATION SERVICES, INC.,

Defendant.
_____/

O R D E R

This cause is before the Court on Fidelity National Information Services, Inc.'s Opposed Motion for Entry of ESI Discovery Order (Doc. No. 28; "Motion"), filed August 2, 2013, to which Plaintiff responded in opposition on that same date. See Plaintiff Joao Bock Transaction Systems, LLC's Opposition to Entry of an Electronically Stored Information Discovery Order (Doc. No. 29; "Response"). Until just prior to the Motion being filed, it appeared that the parties were going to work out the terms of a mutually-agreeable ESI discovery order. Accordingly, and by agreement of the parties, the Court set a date of August 2, 2013 for the parties to submit their proposal(s). See Order entered July 31, 2013 (Doc. No. 27). Near the date that the proposals were due, the negotiations apparently broke down. That prompted the filing of the Motion and the Response together on August 2, 2013. Both parties recognize that they have not had the opportunity to fully present their sides to the Court given the circumstances (Defendant says it was ambushed by Plaintiff's sudden intent to oppose the entry of an ESI discovery order; Plaintiff says it had to submit the

Response on the same day the Motion was filed and "reserves the right" to supplement its Response[1]). Given these recognitions, the Court will set dates for a reply and sur-reply to be filed. In both, the parties shall fully set forth their positions, and include any legal authority on which they rely. Each document may be ten (10) pages. In addition, the Court will hold a hearing on the Motion to determine whether an ESI discovery order is appropriate, and if so, the scope of it.

After due consideration, it is

ORDERED:

1. Fidelity National Information Services, Inc.'s Opposed Motion for Entry of ESI Discovery Order (Doc. No. 28) is **TAKEN UNDER ADVISEMENT**.

2. Defendant shall file a reply, consistent with the foregoing and not to exceed ten (10) pages, no later than **August 30, 2013**.

3. Plaintiff shall file a sur-reply, consistent with the foregoing and not to exceed ten (10) pages, no later than **September 13, 2013**.

4. A hearing on the Motion is set for **THURSDAY, OCTOBER 3, 2013 at 11:00 a.m.** before the undersigned at the Bryan Simpson United States Courthouse, 300 North Hogan Street, Courtroom No. 5D, Fifth Floor, Jacksonville, Florida.[2] Any party wishing to

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[1] Although Plaintiff has not yet supplemented its position, it did file a Notice of Recent Development (Doc. No. 31) on August 6, 2013 in which Plaintiff notifies the Court that some model orders on which Defendant relies were removed from the Federal Circuit's website because the Court will not sponsor or endorse the orders.

[2] Photo identification is required to enter the United States Courthouse and cell phones, blackberries, and laptop computers are prohibited in the building (unless otherwise ordered by the Court or stored in the first floor lockers provided to counsel by the Federal Bar Association). Locker access is available upon presentation to Court Security Officers of a Florida Bar card or Order of special admission pro hac vice.

attend the hearing *via* telephone may do so by calling the Court's telephone number, (904) 360-1520, when the hearing is scheduled to begin. The Court requests that the parties coordinate their appearances prior to the scheduled hearing. If multiple parties will appear *via* telephone, those parties are requested to coordinate one conference call prior to calling the Court.

DONE AND ORDERED at Jacksonville, Florida on August 16, 2013.

James R. Klindt

JAMES R. KLINDT
United States Magistrate Judge

kaw
Copies to:
Counsel of Record