

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
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In re)	
)	
ROBERT J. VEGA,)	Case No. 6:10-bk-06873-KSJ
)	Chapter 7
Debtor[s].)	
_____)	
SCOTT A. BROWN,)	
)	
Plaintiff[s],)	Adversary No. 6:10-ap-00299-KSJ
vs.)	
)	
ROBERT J. VEGA,)	
)	
Defendant[s].)	
_____)	

**ORDER PARTIALLY GRANTING DEFENDANT’S MOTION
TO COMPEL, DENYING OTHER DISCOVERY MOTIONS WITHOUT
PREJUDICE, AND ADDRESSING OTHER DISCOVERY
DISPUTES CONTAINED IN THE PARTIES STIPULATED REPORT**

This adversary proceeding came before the Court on the Motion to Compel filed by the Debtor/Defendant Robert J. Vega (“Defendant”).¹ The parties indicated in their Stipulated Report and Outline of Outstanding Matters² that the Motion to Compel is pending to the extent it requests a ruling by this Court on the confidentiality of documents already filed under seal with this Court for *in camera* inspection.

The Court has reviewed the Nasrallah Settlement Agreement and Winter Park Partners’ bank records of the Fifth Third Bank account filed under seal by Plaintiff pursuant to this Court’s

¹ Doc. No. 41.

² Doc. No. 73.

order of August 25, 2011.³ Plaintiff objected to production of the documents on the basis the Nasrallah Settlement Agreement contains a confidentiality provision.

The Court has reviewed the Nasrallah Settlement Agreement. The confidentiality provisions therein do not prohibit Plaintiff's disclosure of the documents "if Court ordered"⁴ and "as required by law."⁵

The Court has determined that the documents shall be produced by Plaintiff to Defendant for use in this adversary proceeding and in related adversary proceeding No. 6:10-ap-00298-KSJ. Defendant (including his agents and attorneys) may not use the documents for any purpose other than the defense of these adversary proceedings.

The Court is aware the parties have filed numerous other discovery motions and have been attempting to resolve informally the issues presented by those motions. Many of the disputes are dated, hopefully some are resolved, and, perhaps others are moot, given the simultaneously ruling dismissing Count III of the complaint. In the interest of economy, all discovery motions filed to date in this case (other than Doc. No. 41 discussed in this Order) are denied without prejudice.⁶ Should the parties require a judicial determination of the issues raised in those motions, they may refile the motions for the Court's consideration.

Lastly, the parties in their stipulated Report and Outline of Outstanding Matters⁷ request the Court to address (i) limitations on the scope of discovery requested from the Debtor's wife, Tracy Romero, and RJV Homes, Inc., (ii) whether Plaintiff can retake the deposition of the Debtor, and (iii) the appointment of a special master to supervise future depositions. During the

³ Doc. No. 45. The Nasrallah Settlement Agreement is in two parts: (1) a General Release and Settlement Agreement, and (2) a Mediated Settlement Agreement. The General Release and Settlement Agreement are attached as Exhibit A to Plaintiff's Motion to Seal Documents, filed under seal on September 7, 2011. The Mediated Settlement Agreement is Exhibit B. The Bank records are composite Exhibit C.

⁴ Exhibit A, ¶15.

⁵ Exhibit B, ¶3.

⁶ Doc. Nos. 24, 25, 26, 40, 51 (to the extent not previously resolved in Order (Doc. No. 61)), 53, 55, 56, 57, and 58.

⁷ Doc. No. 73

pretrial conference held on November 29, 2012, the parties discussed and the Court ruled upon each of these requests as set forth below.

Accordingly, it is **ORDERED**:

1. The Defendant's Motion to Compel is hereby **GRANTED** in part.
2. The Plaintiff shall produce to Defendant the Nasrallah Settlement Agreement (composed of both the General Release and Settlement Agreement and the Mediated Settlement Agreement) and the Winter Park Partners' Fifth Third Bank account records within fourteen (14) days of the date of entry of this Order.
3. The Defendant's use of the documents produced in compliance with this Order is strictly limited to his defense of this adversary proceeding and related adversary proceeding No. 6:10-ap-00298-KSJ.
4. The other discovery motions (Doc. Nos. 24, 25, 26, 40, 51 (to the extent not previously resolved in Order (Doc. No. 61)), 53, 55, 56, 57, and 58) are denied without prejudice.
5. On or before March 1, 2013, the Debtor/Defendant, Tracy Romero, and RJV Homes, Inc. shall produce the documents requested in paragraphs 4, 5b-f, 6, and 7 of the Outline of Outstanding Matters (Doc. No. 73); provided, however, that the relevant time period for production is limited to January 1, 2007 through April 23, 2010. If Debtor/Defendant has no remaining documents responsive to paragraphs 4 and 5, he shall file under oath an affidavit explaining why no responsive documents exist or, if they exist, who holds the responsive documents.
6. Plaintiff may, if desired, retake the deposition of Debtor/Defendant, Robert J. Vega, and his wife, Tracy Romero.

7. Further, Plaintiff may reserve and use an attorney conference room at the Court for these renewed depositions. No special master will be appointed. If the depositions are scheduled on a date and time when I am otherwise holding Court, I will make myself available to resolve any privilege objections that arise during the depositions.

8. A pretrial conference is scheduled for **March 13, 2013, at 10:00 a.m.**, in Courtroom A, Sixth Floor, 400 West Washington Street, Orlando, Florida 32801.

DONE AND ORDERED in Orlando, Florida, on December 4, 2012.

A handwritten signature in black ink, appearing to read "Karen S. Jennemann". To the right of the signature, the initials "R.O." are written in a smaller, blue or light-colored ink.

KAREN S. JENNEMANN
Chief United States Bankruptcy Judge