

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-cv-20782-MARTINEZ/GOODMAN

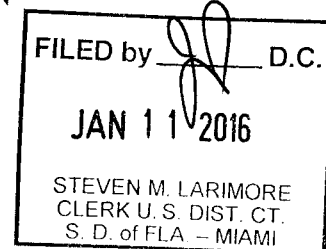
DENNIS MONTGOMERY,

Plaintiff,

v.

JAMES RISEN et al.,

Defendants.



DEFENDANTS' NOTICE OF CONVENTIONAL FILING

Defendants, pursuant to the Court's Order dated January 6, 2016 [ECF No. 217] (copy attached), hereby file the DVDs containing the video recording of Plaintiff's deposition. The information related to the court's inquiry can be found on DVD No. 3 at 13:52:20 to 14:09:25.

Dated: January 11, 2016

Respectfully submitted,

s/Sanford L. Bohrer
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– and –

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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on January 11, 2016, I filed this document with the Clerk of Court and served it with the dvds via federal express on all counsel of record identified on the Service List below.

s/Sanford L. Bohrer

SERVICE LIST

Larry Klayman Klayman Law Firm 7050 W Palmetto Park Rd., Suite 15-287 Boca Raton, FL 33433 (310) 595-0800 leklayman@gmail.com Attorney for Plaintiff	Jeffrey Scott Shapiro Jeffrey Scott Shapiro, P.A. 5550 Glades Road Suite 500 Boca Raton, FL 33431 (561) 961-5400 jeffreyscottshapiro@gmail.com Attorney for Plaintiff
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 15-20782-CIV-MARTINEZ/GOODMAN

DENNIS L. MONTGOMERY,

Plaintiff,

v.

JAMES RISEN, et al. ,

Defendants.

POST-SANCTIONS HEARING ADMINISTRATIVE ORDER

On January 5, 2016, the Undersigned held a motion hearing concerning Defendants' Motion for Sanctions [ECF No. 166]. At the conclusion of the hearing, the Undersigned **ORDERED** the following:

1. Plaintiff shall,¹ by January 11, 2016, submit a list of authorities (*not* a memorandum of law) to support the view espoused at the hearing that a defamation plaintiff may prove **either** falsity **or** recklessness (and that recklessness can **substitute** for falsity). The list of authorities must show only the case citations that represent this proposition and (at most) a one-sentence summary of the holding. Defendants may, by January 13, 2016, submit a reciprocal list of authorities for the proposition that a

¹ If Plaintiff's counsel concludes that there is no legal authority supporting his view that a defamation plaintiff need not establish falsity if he can establish recklessness or malice by the defendant, then he shall file a succinct notice advising the Court that his position is not supportable.

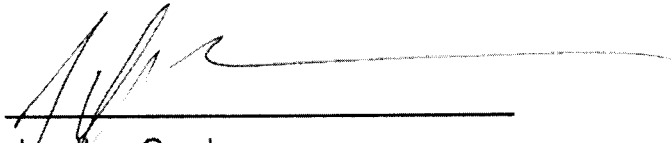
defamation plaintiff must show falsity, regardless of whether recklessness is demonstrated. Defendants' reciprocal list of authorities also must show only case citations and (at most) a one-sentence summary of the holding.

2. Plaintiff shall, by January 11, 2016, file a Notice of Filing pinpointing page numbers from the transcript of the August 21, 2015 Discovery Hearing [ECF Nos. 106; 110] where Plaintiff's counsel stated that Plaintiff was not sure if he actually possessed the software at issue and/or did not know if he, in fact, had turned it over to the FBI. To the extent that Plaintiff's counsel now claims that Plaintiff merely *thought* he possessed the software and turned it over (any equivocation -- i.e., "thought," "maybe," etc.), then Plaintiff shall pinpoint those instances from the hearing transcript.

3. Defendants shall, by January 11, 2016, file the video recording of Plaintiff's deposition conventionally with the Clerk's Office. The Clerk's Office is directed to accept the video recording on behalf of the Court and to hold it in the Records Section pending further Court Order. Additionally, Defendants shall, by the same January 11, 2016 deadline, deliver courtesy copies of the video recording to the Chambers of the Undersigned and to Plaintiff's counsel.

4. Defendants shall, by January 11, 2016, file a Notice of Filing the “page-saver” version of the entire transcript of Plaintiff’s deposition on CM/ECF.

DONE AND ORDERED in Chambers, at Miami, Florida, January 6, 2016.



Jonathan Goodman
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
The Honorable Jose E. Martinez
All counsel of record

United States District Court
Southern District of Florida

Case Number: 15-CV-20782

SUPPLEMENTAL ATTACHMENT(S)

Please refer to the supplemental paper "court file" in the division where the Judge is chambered. These attachments must not be placed in the "chron file".

NOT SCANNED

Due to Poor Quality

Bound Extradition Papers

Photographs

Surety Bond (Original or Letter of Understanding)

CD or DVD (Court Order or Trial Purposes only)

Other: _____

SCANNED

But Poor Quality

Habeas Cases (State Court Record/Transcript)

Date: _____