

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SCOTT MACINTOSH,

Plaintiff,

v.

**BUILDING OWNERS AND MANAGERS
ASSOCIATION INTERNATIONAL, *et*
al.,**

Defendants.

Civil Action No. 03-1113 (JMF/EGS)

ORDER

This case was referred to me for resolution of all discovery disputes. Having reviewed the pending motions, it appears to me that there are genuine issues of material fact as to how plaintiff obtained a copy of Burton's handwritten notes relating to a conversation Burton had with one of BOMA's attorneys and that an evidentiary hearing is, therefore, necessary. It is, therefore, hereby,

ORDERED that the parties meet and confer within ten days of the date of this Order and file a joint stipulation that complies with the following directives:

1. The parties shall jointly file a proposed schedule for the evidentiary hearing. Such schedule shall include the names of all witnesses the parties intend to call and a list of all exhibits the parties intend to offer into evidence. The parties shall exchange copies of their respective exhibits and witness lists.
2. The parties shall jointly address the court's interest in hearing the testimony of Wayne Smithies, BOMA's former Secretary-Treasurer, who is now living outside

of the United States. The parties are encouraged to contact John Cramer, of the U.S. District Court's Information Technology Department, at (202) 354-3019 to research the possibility of arranging for the video conferencing of Smithies testimony.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: