

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MARGARET LONG,)
)
 Plaintiff)
)
 v.)
)
 FAIRBANK FARMS, INC., et al.,)
)
 Defendants and)
 Third-Party Plaintiffs)
)
 v.)
)
 GREATER OMAHA PACKING)
 COMPANY, INC.,)
)
 Third-Party Defendant)

No. 1:09-cv-592-GZS

ALICE SMITH,)
)
 Plaintiff)
)
 v.)
)
 FAIRBANK FARMS, INC., et al.,)
)
 Defendants and)
 Third-Party Plaintiffs)
)
 v.)
)
 GREATER OMAHA PACKING)
 COMPANY, INC.,)
)
 Third-Party Defendant)

No. 2:10-cv-60-GZS

ORDER TO SHOW CAUSE

Greater Omaha Packing Company, Inc. (“GOPAC”) is hereby **ORDERED** to show cause, no later than March 3, 2011, why it should not be held in contempt of court for assertedly accessing confidential documents designated as for “Attorneys’ Eyes Only” after being instructed by GOPAC counsel not to view said documents in the wake of their inadvertent delivery to a GOPAC executive by GOPAC counsel, for allegedly falsely representing to Fairbank counsel that Attorneys’ Eyes Only documents had been “pulled back” from GOPAC, and for allegedly submitting to the court a false affidavit of Angelo Fili with respect to the accessing of the file containing Attorneys’ Eyes Only documents. *See* Affidavit of Angelo Fili (Docket No. 98-4, *Long*; Docket No. 77-4, *Smith*), attached to Third-Party Defendant’s Opposition to Defendants’ and Third Party Plaintiffs’ Motion To Compel, for Sanctions, and for an Order To Show Cause with Incorporated Memorandum of Law & Request for Testimonial Hearing (Docket No. 98, *Long*; Docket No. 77, *Smith*), ¶ 12.

Specifically, GOPAC shall indicate, in any such response:

1. Whether it contests the evidence submitted by the Fairbank defendants in support of their request that GOPAC be held in civil contempt of court, including but not limited to Fairbank’s evidence that (i) a copy of the protected file was created on one thumb drive, or USB storage device, on August 24, 2010, (ii) this copy was accessed from the USB device on Kathleen Krantz’s laptop computer on August 29, 2010, (iii) the file was accessed on Angelo Fili’s computer from two separate USB devices, the first on August 23, 2010, and the second on September 2, 2010, and (iv) the protected file was also transferred from Mr. Fili’s computer to an Apple iPod or iPhone. *See* Fairbank’s Reply Brief in Support of Its Motion To Compel, for Sanctions, and for an Order To Show Cause (Docket No. 118, *Long*; Docket No. 96, *Smith*) at 1-

3; Affidavit of Erik K Thompson (Docket No. 118-1, *Long*; Docket No. 96-1, *Smith*), attached thereto.

2. If so, the names and addresses of any live witnesses it may wish to present, together with an estimate of the testimony's duration and a brief summary of that witness's anticipated testimony, and a list and brief description of any documents and things to be offered as evidence.

Should GOPAC indicate, by March 3, 2011, that it does wish to dispute the Fairbank defendants' evidence and to offer live testimony and/or documentary exhibits, the Fairbank defendants shall file, no later than March 17, 2011, (i) a list of the names and addresses of any live witnesses they may wish to present, together with an estimate of the testimony's duration and a brief summary of that witness's anticipated testimony, and (ii) a list and brief description of any documents and things to be offered as evidence.

SO ORDERED.

Dated this 17th day of February, 2011.

/s/ John H. Rich III
John H. Rich III
United States Magistrate Judge

Plaintiff

MARGARET LONG

and

Plaintiff

ALICE SMITH

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V.

Defendant

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Defendant

**FAIRBANK RECONSTRUCTION
CORP**
doing business as
FAIRBANK FARMS

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Defendant

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ThirdParty Plaintiff

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