

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YUKOS CAPITAL S.A.R.L., et al.,

Plaintiffs,

-against-

15-cv-4964 (LAK)

DANIEL CALEB FELDMAN,

Defendant-Third Party Plaintiff,

-against-

DAVID GODFREY, et al.,

Third-Party Defendants.  
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### MEMORANDUM AND ORDER

LEWIS A. KAPLAN, *District Judge*.

Plaintiffs moved to compel defendant Feldman to (1) answer ten specific deposition questions that his counsel directed him not to answer on the ground of attorney-client privilege, (2) produce the so-called cooperation agreement between or among Feldman, on the one hand, and the Promneftstroy-related “benefactors” who are paying his legal fees in this case, and (3) produce “documents concerning the Yukos Group that Feldman provided to Promneftstroy or its agents.” DI 104. Notably, Feldman, in responding to plaintiffs’ motion, has not relied upon the attorney-client privilege at all. He has shifted ground to a claim that the information sought is attorney work product and, indeed, opinion work product at that.

This motion, which was made on December 28, 2015, has been handled on an expedited basis in view of the facts that (1) a hearing on plaintiffs’ motion for a preliminary injunction will begin on January 13, 2016, and (2) the discovery sought is said to be essential to proper development of the facts for the hearing.