

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STEPHEN F. HURSTELL

NO. 2021 CW 1037

VERSUS

BENJAMIN J. LEGETT

NOVEMBER 9, 2021

In Re: Stephen F. Hurstell, applying for supervisory writs,
22nd Judicial District Court, Parish of St. Tammany,
No. 2011-13702.

BEFORE: McCLENDON, WELCH, AND THERIOT, JJ.

WRIT GRANTED IN PART WITH ORDER; WRIT DENIED IN PART. We deny the writ application to the extent that plaintiff, Stephen Hurstell, sought all documents contained in the six boxes of files in possession of defendant's counsel, as that request is overly broad and the trial court did not abuse its discretion in denying that request. However, to the extent plaintiff, Stephen Hurstell, identified specific documents in subparagraphs a), b), c), and d) of his requests, we find that plaintiff has shown that information is relevant to his claims against defendant, Benjamin Legett. We further find that under La. Code Civ. P. art. 1424(C), defendant has failed to either furnish those documents or properly assert a privilege as to such documents, because he has not produced a privilege log describing the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable plaintiff to assess the applicability of the privilege or protection. Therefore, we reverse in part the trial court's April 8, 2021 ruling denying plaintiff, Stephen Hurstell's, motion to compel, and order that defendant, Benjamin Legett, produce any non-privileged documents requested by plaintiff in subparagraphs a), b), c), and d) of his request for production of documents, and with regard to any responsive documents withheld in response to plaintiff's request for production of documents on the basis of privilege, defendant submit a privilege log compliant with La. Code Civ. P. art. 1424(C) to plaintiff, Stephen Hurstell, on or before December 20, 2021.

PMc
JEW
MRT

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DEPUTY CLERK OF COURT
FOR THE COURT