

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MARK E. ISTVAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACT. NO. 2:13cv539-CSC
	)	(WO)
PORTFOLIO RECOVERY	)	
ASSOCIATES, LLC,	)	
	)	
Defendant.	)	

**ORDER**

Before the court Plaintiff Mark E. Istvan’s motion to compel attorney James Sears to respond to deposition questions concerning his representation of Portfolio Recovery Associates, LLC., in a debt collection action against Istvan in the Circuit Court of Montgomery County, Alabama. (Doc. 72).

Having carefully reviewed the motion and the transcript of Sears’s deposition, and for the reasons stated at oral argument held this day on the motion, the court finds that the deposition questions that are the subject of the motion to compel are irrelevant and impermissibly seek to violate the attorney-client privilege and the protection afforded an attorney’s trial preparation materials and work product. *See* Fed. R. Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense. . . . For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.”); Fed. R. Civ. P. 26(b)(3) (“Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or

for trial by or for another party or its representative” unless those materials “are otherwise discoverable under Rule 26(b)(1) *and* the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.” (emphasis added)). Accordingly, and for good cause, it is

**ORDERED** that the motion to compel (Doc. 72) be and is hereby **DENIED**.

Done this 17th day of October, 2014.

/s/Charles S. Coody  
CHARLES S. COODY  
UNITED STATES MAGISTRATE JUDGE