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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY W. ROBINSON,  
Plaintiff,  
v.  
COUNTY OF SAN JOAQUIN,  
Defendant.

No. 2:12-cv-2783 MCE GGH PS

ORDER

Plaintiff has filed a “motion for the immediate delivery of documents withheld.” The motion claims that defendant’s privilege log, produced on August 29, 2014, should have been produced at the time of the initial pre-trial conference on September 29, 2013,<sup>1</sup> and that defendant has waived all privileges based on this almost one year delay. Plaintiff secondly appears to claim that the privilege log contains improper assertions of privilege. Plaintiff has not noticed this motion for hearing.

First, plaintiff is informed that although the court did warn defendant that an untimely privilege log may result in waiver, (ECF No. 43 at 3), the rule is that privileges must be claimed and privilege logs produced at the time a discovery response is made. (Id.) In this case, defendant did produce a privilege log at the time it made its discovery responses in the latest

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<sup>1</sup> Plaintiff might be referring to the initial status conference because a joint status report was filed on October 4, 2013.

1 round of discovery, produced to plaintiff on August 29, 2014. Therefore, the privilege log is  
2 timely and plaintiff's argument in this regard fails.

3 As to substantive objections to specific claims of privilege, plaintiff may file a motion  
4 challenging defendant's assertions of privilege as improper; however, he must set forth each item  
5 in the privilege log that he believes reflects an improper assertion of privilege, and the reasons  
6 why he thinks so. His motion must be brought in good faith, and may not claim in a blanket  
7 manner that all claims of privilege are improper. Plaintiff shall re-file his motion on this basis if  
8 he so desires, and shall notice it for hearing. If plaintiff decides to renew his motion, he must  
9 attach a copy of the privilege log.

10 This court's order of September 9, 2014 directing briefing on defendant's motion for  
11 summary judgment, and resolution of that motion will not be delayed by any potential motion  
12 filed by plaintiff regarding the aforementioned privilege log.

13 Accordingly, IT IS ORDERED that:

14 1. Plaintiff's September 5, 2014 motion for immediate delivery of documents (ECF No.  
15 101) is denied without prejudice to its refiling as described herein; and

16 2. Should plaintiff decide to refile his motion to compel, he must do so within fourteen  
17 days of this order, and notice it for hearing on the soonest available law and motion calendar by  
18 contacting the Courtroom Deputy, Danielle Eichhorn, at (916) 930-4152.

19 Dated: September 12, 2014

20 /s/ Gregory G. Hollows

21 UNITED STATES MAGISTRATE JUDGE

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23 GGH:076/Robinson2783.prv-log  
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