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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOROTHY RODDEN JACKSON,
Plaintiff,
v.
RICHARD CALONE; CALONE &
HARREL LAW GROUP, LLP; CALONE
& BEATTIE, LLP; and CALONE LAW
GROUP, LLP,
Defendants.

No. 2:16-cv-00891-TLN-KJN

ORDER

Presently pending before the court is plaintiff's motion to compel compliance with a subpoena and request for sanctions from non-party William Jackson. (ECF No. 141.) Plaintiff and non-party William Jackson submitted a joint statement regarding this dispute on March 29, 2018. (ECF No. 145.) This matter came on regularly for hearing on April 5, 2018, at 10:00 a.m. James R. Kirby appeared on behalf of plaintiff and Nicholas S. Seliger appeared on behalf of non-party William Jackson.

After carefully considering the briefing and the oral argument, and for the reasons stated on the record at the hearing, plaintiff's motion to compel (ECF No. 141) is granted in part and denied in part, without prejudice.

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1 On July 17, 2017, plaintiff subpoenaed various documents from William Jackson.
2 Subsequently, William Jackson provided responses and various objections. He refused to
3 produce documents responsive to subpoena requests 7 through 10, which seek “billings generated
4 by [Damrell, Nelson, Schrimp, Pallios, Pacher & Silva (“the Damrell firm”)] related to four
5 probate cases in Stanislaus County Superior Court.” (ECF No. 145 at 2.)


6 As explained on the record, the court concludes that William Jackson’s objections were
7 timely. Moreover, plaintiff has not made a sufficient showing that the crime/fraud exception to
8 the attorney-client privilege applies, at this juncture, to justify compelling disclosure of the
9 contents of the specific billing invoices from the Damrell firm. During the hearing, however, Mr.
10 Seliger and Mr. Kirby reached an agreement that William Jackson will provide certain additional
11 disclosures to plaintiff, as outlined below.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff’s motion to compel (ECF No. 141) is GRANTED IN PART AND DENIED
14 IN PART without prejudice, on the terms outlined in this order.
- 15 2. As stipulated, within 14 days of this order, non-party William Jackson will provide
16 plaintiff with a breakdown of how much money William Jackson paid to the Damrell
17 firm for each of the four probate cases in question. This disclosure will include a
18 breakdown, by date, of the hours worked and total amount charged by the Damrell
19 firm, related to these probate cases.

20 IT IS SO ORDERED.

21 Dated: April 6, 2018

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23 _____
24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE