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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 MERCY AMBAT, et al.,

No. C 07-03622 SI

7 Plaintiffs,

**ORDER TO DISCLOSE EXTENT OF
PLAINTIFFS' COUNSEL'S
REPRESENTATION
[Docket No. 142]**

8 v.

9 CITY AND COUNTY OF SAN FRANCISCO,

10 Defendants.
_____ /

11 On September 18, 2009, the Court ordered plaintiffs' counsel to disclose to defense counsel by
12 September 21, 2009 which of the former plaintiffs in this matter he continues to represent. Plaintiffs'
13 counsel failed to do so by the date ordered, and defense counsel filed a discovery request seeking to
14 compel plaintiffs' counsel's compliance with the Court's order.
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16 In opposing defendants' request, plaintiffs assert that permitting defendants access to former
17 plaintiffs will violate the attorney-client privilege of the current plaintiffs. Defense counsel has
18 indicated, however, that much of what it wishes to question former plaintiffs about will not implicate
19 the privilege. In any event, a former plaintiff is free to refuse to talk to defense counsel, if he or she so
20 desires, but is also free to waive his or her own attorney-client privilege, if he or she so desires. If
21 plaintiffs' counsel entered into any kind of confidentiality agreement with former plaintiffs, plaintiffs'
22 counsel should so inform the Court and opposing counsel immediately.

23 Plaintiffs' counsel is hereby ordered to provide the requested information to defense counsel **no**
24 **later than October 30, 2009**. Defendants are reminded that they may not engage in retaliation against
25 any former plaintiff who indicates he or she does not wish to speak to defense counsel.

26 **IT IS SO ORDERED.**

27 Dated: October 28, 2009

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SUSAN ILLSTON
United States District Judge