

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,

No. C-08-05005 MMC (EDL)

Plaintiff,

**ORDER REGARDING IN CAMERA  
REVIEW OF DEFENDANTS'  
DOCUMENTS**

v.

ZURICH INSURANCE COMPANY, et al.,

Defendants.

---

Pursuant to the Court's September 24, 2010 Order, Defendants lodged a number of documents for in camera review. The Court has carefully reviewed the documents and makes the following rulings.

**1. Documents withheld in their entirety**

The Court rules as follows:

- **Documents 449, 463, 469, 470, 471, 473, 474, 476, 503, 950, 952, 953:** These documents shall be produced in their entirety.
- **Documents 467, 468, 472:** These documents are privileged and need not be produced.
- **Document 475:** The only section of this document that contains privileged information is the "Conclusions" section on pages five and six. Thus, this document shall be produced with the "Conclusions" section redacted.

**2. Partially redacted documents**

The Court rules as follows (documents are identified by the first Bates stamp number of the stapled document):

- **Document #ZS0086726:** This document shall be produced in its entirety.

- 1 • **Document #ZS0086495:** On page ZS0086495, the two paragraphs of text in the entry  
2 dated January 29, 2009 at 14:43:03 are properly redacted, but the remaining entries on that  
3 page should be unredacted. The redactions on pages ZS0086496 and ZS0086497 are  
4 proper. On page ZS0086498, the first entry on June 14, 2007 at 13:27:42 should be  
5 unredacted, but the remaining redactions on that page are proper. The redactions on page  
6 ZS0086499 are not appropriate, and should be unredacted. On page ZS0086500, the  
7 redaction of the entry dated March 10, 2006 at 9:36:22 is proper. The remaining  
8 redactions on page ZS0086500 are not proper and should be unredacted.
- 9 • **Document #ZS0086970:** The redactions on page ZS0086970 are not proper. On page  
10 ZS0086971, the redactions are proper. The first redaction on page ZS0086972 at the entry  
11 dated July 20, 2006 at 15:21:20 is proper, but the remaining redaction should be  
12 unredacted.
- 13 • **Document #ZS0086826:** The redactions on pages ZS0086826 and ZS0086287 should be  
14 unredacted. On page ZS0086828, the redactions at entries dated July 10, 2006 at 10:39:09  
15 and July 10, 2006 at 10:38:38 are proper. The remaining redactions on page ZS0086828  
16 should be unredacted.
- 17 • **Document #ZS0086581:** The redaction on page ZS0086581 at the entry dated January 12,  
18 2009 at 8:34:00 should be unredacted. The redactions on page ZS0086581 at the entries  
19 dated November 21, 2008 at 8:20:43 and November 4, 2008 at 8:48:36 are proper. On  
20 page ZS0086582, the redactions at entries dated November 22, 2008 at 9:12:14, August 19,  
21 2008 at 7:34:18, and July 14, 2008 at 14:03:10 are proper. The redaction on page  
22 ZS0086582 at the entry dated June 9, 2008 should be unredacted. The redactions on page  
23 ZS0086583 should be unredacted. The redaction on page ZS0086584 should be  
24 unredacted. The redaction on page ZS0086585 at the entry dated March 9, 2007 at  
25 10:11:38 is proper, but the redaction at the entry dated March 9, 2007 at 10:00:39 should  
26 be unredacted.  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

• **Document #ZS0086758:** On page ZS0086758, the entry dated August 28, 2007 at 7:36:08 should be unredacted. The redaction on page ZS0086758 at the entry dated August 22, 2007 at 8:28:34 is proper. The redaction on page ZS0086759 at the entry dated July 20, 2007 at 17:13:10 is proper. On page ZS0086759 at the entry dated July 13, 2007 at 15:45:39, the first phrase of the first sentence of the text entry that precedes “I am increasing. . .,” should remain redacted, and the remaining text of that entry beginning with “I am increasing” should be unredacted. The entry dated July 13, 2007 at 15:40:00 on page ZS0086759 should be unredacted. Also, the entry dated July 13, 2007 at 15:31:38 on page ZS0086759 is properly redacted. On page ZS0086760, the entries dated July 13, 2007 at 10:44:57 and July 13, 2007 at 10:04:46 should be unredacted except for the phrase in the fourth paragraph of the text entry for July 13, 2007 at 10:04:46 beginning with “Coverage” and ending with “associated with this claim.” The redaction on page ZS0086760 at the entry dated July 12, 2007 at 10:13:33 is proper. On page ZS0086761, the first redaction of the entry at July 9, 2007 at 15:36:51 is proper, but the second redaction of that entry labeled “Plan of Action” should be unredacted. On page ZS0086761, the entries at July 5, 2007 at 15:56:48 and June 28, 2007 at 13:44:20 are properly redacted, but the redactions of the entry of June 28, 2007 at 13:53:07 should be unredacted. On page ZS0086782, the redaction at the entry dated June 19, 2007 at 11:28:41 is proper. The redaction of the entry dated May 14, 2007 at 9:57:55 on pages ZS0086762 to ZS0086763 is not proper. The redaction of the entry of May 14, 2007 at 9:57:25 on page ZS0086763 is proper.

**IT IS SO ORDERED.**

Dated: October 20, 2010

*Elizabeth D. Laporte*  
\_\_\_\_\_  
ELIZABETH D. LAPORTE  
United States Magistrate Judge