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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACHARLEY LARRY,
Plaintiff,

v.

G4S SECURE SOLUTIONS INC.,
Defendant.Case No. [15-cv-03062-JSC](#)**ORDER REGARDING DISCOVERY
DISPUTE**

Re: Dkt. No. 52

Now pending before the Court is a dispute regarding Defendant's privilege log and, in particular, whether it may withhold from discovery emails in which Defendant's in-house attorney Kelly Kosmin is the sender or recipient. The attorney-client privilege applies "where the primary or predominant purpose of the attorney-client consultation is to seek legal advice or assistance." *MediaTek, Inc. v. Freescale Semiconductor, Inc.*, 2013 WL 5594474 * 1 (N.D. Cal. Oct. 10, 2013). The work product privilege applies to a document that is prepared in anticipation of litigation "if in light of the nature of the document and the factual situation in the particular case, the document can be fairly said to have been prepared or obtained because of the prospect of litigation." *Id.* at *2 (internal quotation marks and citation omitted). As discussed at the April 21, 2016 proceeding, Defendant shall re-review each email on the privilege log to determine if it has a good faith argument that the email is privileged or otherwise properly withheld. Any document which Defendant determines, upon reflection, should not be withheld, shall be produced to Plaintiff on or before **April 29, 2016**.

Defendant shall provide the Court with all the remaining documents on the privilege log for the Court's in camera review on or before **May 26, 2016**. At the same time, Defendant shall file a written submission that addresses two issues. First, the submission shall address whether

1 Defendant is bound by its verified responses to Plaintiff's Interrogatory No. 2. Second, on a
2 document by document basis, Defendant shall address why each document remaining on the
3 privilege log is properly withheld. Plaintiff shall file a response to Defendant's submission on or
4 before **June 9, 2016**.

5 The Court will hold a hearing on **June 16, 2016 at 9:00 a.m.** (note, this date is different
6 from what was stated in open court on April 21). The Court will address the discovery dispute, if
7 necessary, as well as how to proceed with respect to Mr. Boyd and Ms. Seiuli. In the meantime,
8 the Court will issue an order to show cause as to Mr. Powell, requiring him to appear in Court on
9 June 16, 2016 at 9:00 a.m. The Court will also set further deadlines in the case at that time. The
10 current pretrial schedule is VACATED.

11 **IT IS SO ORDERED.**

12 Dated: April 22, 2016

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15 JACQUELINE SCOTT CORLEY
16 United States Magistrate Judge
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