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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

150 SPEAR STREET ASSOCIATES L.P.,  
Plaintiff,  
v.  
VWR INTERNATIONAL, LLC, et al.,  
Defendants.

Case No. [17-cv-03246-JST](#) (MEJ)

**DISCOVERY ORDER**

Re: Dkt. No. 77

Pending before the Court is the parties’ Joint Letter Brief regarding the discoverability of insurance-related communications. Ltr. Br., Dkt. No. 77.<sup>1</sup> Plaintiff represents the only insurance-related communications at issue in the Joint Letter Brief and the Motion to Compel consist of “information exchanged between the bad faith insurer defendants and Defendants’ counsel suing those insurers regarding the 150 Spear case.” *Id.* at 2.

First, based on the Declaration of Geoff Bridgman (Dkt. No. 75-2), the undersigned finds that these communications are not relevant to the claims and defenses asserted in *this* action: i.e., contamination of the site, refusal to remediate, and knowledge of these conditions. Fed. R. Civ. P. 26(b)(1). Second, the Court finds that some of these communications may be protected by the attorney-client privilege, by the mediation privilege, and/or as attorney work product. Third, Plaintiff has made no showing that producing the information, even if it was tangentially relevant and not privileged, would be proportional to the needs of the case. *See* Ltr. Br.; *see also* Mot. to Compel; Reply iso Mot. to Compel, Dkt. No. 76.

For the foregoing reasons, the undersigned finds information exchanged between the bad

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<sup>1</sup> The subject is also raised in Plaintiff’s pending motion to compel (Dkt. No. 74), but needs to be resolved before the scheduled hearing date on that motion (Ltr. Br. at 1).

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faith insurer defendants and Defendants' counsel suing those insurers regarding the 150 Spear case is not discoverable.

**IT IS SO ORDERED.**

Dated: June 4, 2018



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MARIA-ELENA JAMES  
United States Magistrate Judge