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 8 Attorneys for Plaintiffs,
 JOHANNA FORMAN and KENNETH SANDERS

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 10 UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

12 JOHANNA FORMAN, and KENNETH SANDERS on behalf of the Bankruptcy Estate of Gary Morris,)	Case No. 4:08-CV-04729 CW
13)	<u>DISCOVERY</u>
14 Plaintiffs,)	
15 v.)	[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION TO COMPEL
16 NAVIGATORS INSURANCE COMPANY,)	
17)	
18 Defendant.)	DATE: June 29, 2009
19)	TIME: 9:00 a.m.
20)	Judge: Hon. Elizabeth D. Laporte
21)	
22)	
23)	

24 The motion of Plaintiffs Johanna Forman and Kenneth Sanders for an Order
 25 Compelling the Further Production of Documents and Further Responses to Requests
 26 for Admissions came on regularly before this Court on June 24, 2009. Plaintiffs were
 27 represented by their counsel of record, Rebecca Grey, of Pillsbury & Levinson, LLP.

1 Defendant Navigators Insurance Company was represented by its counsel of record,
 2 David Waters, of Burnham Brown. After consideration of the papers filed in support of
 3 and in opposition to said motion, and argument of counsel:
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5 IT IS HEREBY ORDERED:

6 Plaintiffs' Motion to Compel Further Production of Documents contained in the
 7 Archer Norris and Navigators files is GRANTED as to all documents withheld on the
 8 basis of the attorney-client communication privilege. The documents are to be
 9 produced within 21 days of the date of the hearing, or by July 15, 2009. Private medical
 10 information, including any sensitive mental health information, pertaining to Gary
 11 Morris contained in those documents will be subject to a protective order agreed to by
 12 the parties. The parties are to meet and confer regarding the terms of the stipulated
 13 protective order.

14 Plaintiffs' Motion to Compel further production of documents on the basis of the
 15 attorney work-product privilege is DENIED without prejudice. If any documents are
 16 withheld on the basis of the work-product privilege, each withheld document must be
 17 identified in a privilege log, as described more fully below. The parties are ordered to
 18 meet and confer regarding any remaining disputes, and if necessary, may bring any
 19 remaining disputes to the Court's attention.

20 Defendant is further ordered to provide an updated privilege log by July 15,
 21 2009, identifying any documents withheld based upon a claim of privilege or protection
 22 ^{in compliance with paragraph 5 of the Court's May 14, 2009 Order re:}
~~from discovery setting forth a) the name and job title or capacity of the author; b) the~~
 23 ~~name and job title or capacity of each recipient; c) the date the document was prepared~~
 24 ~~and, if different, the date(s) on which it was sent to or shared with persons other than its~~
 25 ~~author(s); d) the title and description of the document; f) the purpose(s) for which it was~~
 26 ~~prepared or communicated; and g) the specific basis for the claim that it is privileged.~~

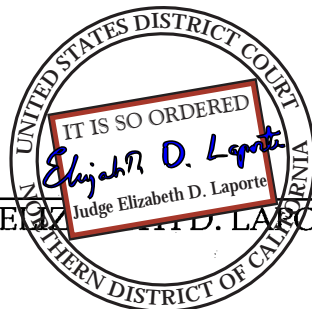
27 Plaintiffs' Motion to Compel Defendant Navigators Insurance Company's further
 28 answers to Requests for Admissions regarding the defense of reliance on advice of

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counsel is DENIED in part. Defendant Navigators Insurance Company is ordered to raise the defense, if it chooses to do so, within four weeks of the hearing, or by July 24, 2009.

IT IS SO ORDERED.

Dated: July 2, 2009 _____



HON. ELIZABETH D. LAPORTE