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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT ROSE, et al.,
Plaintiffs,
v.
STEPHENS INSTITUTE,
Defendant.

Case No. [09-cv-05966-PJH](#) (JCS)

**ORDER RE MOTION FOR
DETERMINATION OF DEFENDANT’S
WAIVER OF ATTORNEY CLIENT
PRIVILEGE**
Re: Dkt. No. 91

Relators Scott Rose, et al. (“Relators”) brought a motion for a determination of Defendant Stephens Institute’s (“Defendant’s”) waiver of privilege following multiple disclosures of attorney-client privileged and attorney work-product protected documents during production of electronically stored information. The matter was heard on September 5, 2014 at 2:00 p.m. Good cause appearing, and for the reasons stated on the record, the Court rules as follows:

With regard to all documents produced by Defendant to Relators by the date of the hearing, September 5, 2014:

1. As to any documents that have been identified by Defendant to Relators on or before the date of the hearing as protected by the attorney-client privilege or as attorney work-product, but inadvertently produced, the Court finds that production of these documents does not operate as a waiver of attorney-client privilege or attorney work-product protection pursuant to Rule 502(b) of the Federal Rules of Evidence.

2. As to any documents that have not been identified by Defendant to Relators on or before the date of the hearing as protected by the attorney-client privilege or as attorney work-product, but inadvertently produced, the Court finds that any privilege or work-product protection has been waived (as agreed to by counsel for Defendants).

IT IS SO ORDERED.

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Dated: September 5, 2014



JOSEPH C. SPERO
United States Magistrate Judge