

1 notes; UCC statements filed on behalf of MAS; and a specific UCC statement filed on behalf of
2 MEI. Structure provided a privilege log in response to the subpoena, claiming that the attorney-
3 client privilege and the work product doctrine entitled it to withhold responsive documents. The
4 privilege log did not list billing records. When the parties asked the Court to determine whether
5 Everflow was entitled to responsive documents, the Court found that the responsive material was
6 subject to the crime-fraud exception and ordered Structure to produce the material.

7 Structure produced the material identified in its privilege log, which amounted to about 250
8 pages of documents. Structure did not produce billing records. In the discovery dispute currently
9 before this court (“Discovery Dispute Joint Report #4¹”), Everflow asks the Court to order Structure
10 to provide the billing records for the work Structure performed for the defendants named in this
11 case. Structure argues that the underlying subpoena does not cover billing records, and, in any
12 event, Structure no longer possesses paper or electronic copies of the billing records. The Court has
13 considered the competing submissions and contentions of the parties and finds no grounds to issue
14 an Order compelling Structure to respond further to the subject subpoena.

15 **IT IS SO ORDERED.**

16 Dated: February 28, 2013

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19 HOWARD R. LLOYD
20 UNITED STATES MAGISTRATE JUDGE
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28 ¹ Although the parties titled their submission “Discovery Dispute Joint Report #3,” (Dkt. 316) the parties have previously submitted three different discovery disputes, each titled “Discovery Dispute Joint Report 1” (Dkts. 272, 273, 274). The Court refers to the latest submission as Discovery Dispute Joint Report #4.

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14 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
15 **registered for e-filing under the court's CM/ECF program.**

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