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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NICKY LAATZ,
Plaintiff,
v.
ZAZZLE, INC., et al.,
Defendants.

Case No. [22-cv-04844-BLF](#) (VKD)

**ORDER FOLLOWING REVIEW OF IN
CAMERA DOCUMENTS**

As directed by the Court, on August 22, 2024 Zazzle submitted for *in camera* review the 14 documents identified in the Court's August 15, 2024 order. *See* Dkt. No. 256. Having reviewed these documents, the Court concludes that some of Zazzle's privilege claims are not supported by its privilege log or its prior briefing. *See* Dkt. No. 236. Rather, these redactions have been applied to factual statements and/or to communications that have only a business purpose, and none of them seek or reveal legal advice. Other privilege claims are valid and supported. The Court finds no evidence supporting Ms. Laatz's contention that the crime-fraud exception to the attorney-client privilege applies to any of the redacted or withheld documents.

The Court summarizes its specific findings below:

Log No.	Bates Number	Privilege Claim	Privilege Applies?
1	ZAZZLE-003054	Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing	
	B. Beaver email (5/4/17, 2:52 p.m.)		Yes – redaction ok

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	M. Alkhatib email (5/4/17 @ 2:50 p.m.)		No
	B. Beaver email (5/4/17 @ 2:44 p.m.)		No
	M. Alkhatib email (5/4/17 @ 2:43 p.m.)		No
	L. Larson email (5/4/17 @ 2:40 p.m.)		Yes – redaction ok
	B. Beaver email (5/4/17 @ 14:37)		Yes – redaction ok
	M. McGhie email (5/3/17 @ 12:43 p.m.)		Yes – redaction ok
4	ZAZZLE-003065	Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing	
	K. Liu email (1/18/17 @ 12:11:26 p.m.)		Yes – redaction ok
	C. Sheu email (11/9/16 @ 5:33 p.m.)		Yes – first redaction ok No – second redaction
5	ZAZZLE-003068	Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing	
	B. Beaver email (11/9/16 @ 11:33:40 a.m.)		No
	C. Sheu email (11/8/16 @ 3:19 p.m.)		Yes – redaction ok
181	ZAZZLE-003230	Attachment. Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing	
	L. Larson email (5/4/17 @ 12:02 p.m.)		Yes – redaction ok
	K. Liu email (5/4/17 @		Yes – redaction ok

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	15:17)		
	I. Pashchenko (5/4/17 @ 2:48 p.m.)		Yes – redaction ok
	M. Alkhatib email (5/4/17 @ 2:42 p.m.)		No
	L. Larson email (5/4/17 @ 2:40 p.m.)		Yes – redaction ok
	B. Beaver email (5/4/17 @ 14:37)		Yes – redaction ok
	M. McGhie email (5/3/17 @ 12:43 p.m.)		Yes – redaction ok
240	ZAZZLE-004335	Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing	Yes – redaction ok
254	ZAZZLE-003391	Email reflecting and/or seeking the legal advice of counsel in response to the threat of litigation from Laatz	No
260	ZAZZLE-003525	Email reflecting and/or seeking the legal advice of counsel in response to the threat of litigation from Laatz	No
270	ZAZZLE-003651	Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing and in response to the threat of litigation from Laatz	
	M. McGhie email (8/26/20 @ 2:47:09 p.m.)		Yes – redaction ok
	L. Larson email (5/4/17 @ 12:02 p.m.)		Yes – redaction ok
	K. Liu email (5/4/17 @ 15:17)		Yes – redaction ok
	I. Pashchenko (5/4/17 @ 2:48 p.m.)		Yes – redaction ok

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	M. Alkhatib email (5/4/17 @ 2:42 p.m.)		No
	L. Larson email (5/4/17 @ 2:40 p.m.)		Yes – redaction ok
	B. Beaver email (5/4/17 @ 14:37)		Yes – redaction ok
	M. McGhie email (5/3/17 @ 12:43 p.m.)		Yes – redaction ok
271	ZAZZLE-003657	Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing	
	C. Sheu email (11/9/16 @ 5:33 p.m.)		Yes – first redaction ok No – second redaction
272	ZAZZLE-003661	Email thread reflecting and/or seeking the legal advice of counsel regarding font licensing	Yes – withholding ok
273	ZAZZLE-003662	Attachment. Document reflecting mental impressions and/or legal conclusions of counsel regarding font licensing	Yes – redaction ok
462	ZAZZLE-003959	Messages reflecting and/or seeking the legal advice of counsel in response to the threat of litigation from Laatz	No
611	ZAZZLE-004068	Messages reflecting and/or seeking the legal advice of counsel in response to the threat of litigation from Laatz	Yes – redaction ok
663	ZAZZLE-004537	Document reflecting the legal advice of counsel regarding font licensing	
	New Fonts (Sept 2017) table, col. G & note to cell A106		Yes – redaction ok

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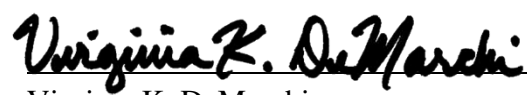
	Final Purchasing List table, cell D4		No
	Final Purchasing List table, cols. E, M		Yes – redaction ok

Because the Court has found no evidence that the crime-fraud exception to the attorney-client privilege applies to any of the redacted or withheld documents reviewed *in camera*, an evidentiary hearing on that issue is unnecessary. *See In re Napster, Inc. Copyright Litigation*, 479 F.3d 1078, 1093 (9th Cir. 2007) (party seeking to preserve privilege has right to introduce countervailing evidence following *in camera* review before court orders disclosure based on application of crime-fraud exception). Otherwise, the Court has already afforded Zazzle an opportunity to elaborate upon and file declarations in support of its privilege claims, and the Court has considered that material in making the determinations summarized above. *See* Dkt. Nos. 236, 236-1, and supporting exhibits.

Accordingly, the Court concludes that no further proceedings are necessary to resolve the parties’ dispute regarding these 14 privilege log entries. Zazzle shall produce to Ms. Laatz the documents corresponding to Entries 1, 4, 5, 181, 254, 260, 270, 271, 462 and 663, with revised redactions conforming to the Court’s determinations regarding application of the privilege, no later than **September 11, 2024**.

IT IS SO ORDERED.

Dated: August 28, 2024


Virginia K. DeMarchi
United States Magistrate Judge