

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-02471-PAB-KMT

THOMAS SILVERSTEIN,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
JOHN VANYUR,
JOYCE CONLEY,
MICHAEL NALLEY,
DONALD DENNEY,
RONNIE WILEY,
MARIE BAILEY,
PAUL ZOHN

Defendants.

PROTECTIVE ORDER

Before the Court is Defendants' unopposed motion under Fed. R. Civ. P. 26(c)(1)(B) to enter an order pursuant to Fed. R. Evid. 502(d), which allows a court to order that the attorney-client privilege and/or work-product protection is not waived by a disclosure connected with the litigation pending before the court. Defendants wish to submit materials to the Court in connection with a pending privilege issue and are seeking an order to ensure that their submissions will not themselves amount to a waiver of privilege.

Having reviewed the unopposed motion, and sufficient cause appearing, the motion is hereby **GRANTED**. It is, therefore, **ORDERED** that the attorney-client privilege and/or work-product protection will not be waived by disclosures that are connected with the litigation pending before the Court, including the following: (1) statements made by Defendants' counsel at a November 13,

2009, hearing; (2) any briefs or pleadings, including any supporting materials, such as declarations and/or documents, filed by Defendants regarding the issue of waiver of attorney-client and deliberative process privileges and work-product protection related to the October 2004 Document that Defendants produced to Plaintiff; and (3) any future written or oral statements made by Defendants or counsel in support of the assertion of privileges for the October 2004 Document. Fed. R. Evid. 502(d).

Dated this 23rd day of November, 2009.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge