

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 10-cv-02868-MSK-KMT

L-3 COMMUNICATIONS CORPORATION, and
L-3 SERVICES, INC.,

Plaintiffs,

v.

JAXON ENGINEERING & MAINTENANCE, INC.,
JONI ANN WHITE,
RANDALL K. WHITE,
SCOTT WHITE,
SUSAN RETTIG,
CHARLES RETTIG,
JAMES YOUNGMAN,
JERRY LUBELL,
KELLY RICE,
JOHN MCCLURE, and
JOHN DOES 1-25, said names being fictitious as such names are unknown at this time,

Defendants.

ORDER

This matter is before the court on “Plaintiffs’ Motion to Compel Defendants to Submit Documents for *In Camera* Review” [Doc. No. 1157], filed September 19, 2014.¹ “Defendants’ Response to Plaintiffs’ Motion to Compel Defendants to Submit Documents for *In Camera*

¹ The court notes that subsequent to the filing of the Motion, Defendants placed all questioned documents into the database accessible by the court and which was previously utilized by the court and the Special Master to review documents for privilege. For reasons set forth herein, the court declines to access the database and review the 125 newly designated documents.

Review [ECF No. 1157] and Notice of Filing of Privilege Log and Privileged Documents for *In Camera* Review” [Doc. No. 1161] was filed on September 28, 2014 and Plaintiffs’ Reply [Doc. No. 1172] was filed on October 3, 2014.

Plaintiffs assert that in spite of being provided a very thorough and detailed privilege log, including such things as hash tag designations for same or similar document, and in spite of the court and the Special Master viewing and reviewing thousands of pages of documents for privilege, the court should undertake *in camera* review of 125 additional documents “[f]or the sake of a comprehensive and uniform decision on the privileged status of the documents”- in other words, simply because they have not been previously reviewed by the court or the Special Master. (Reply at 2.)

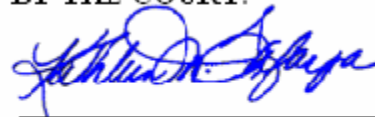
A request for *in camera* review must be supported by a showing of a factual basis adequate to support a good faith belief by a reasonable person that *in camera* review of the materials may reveal evidence demonstrating that the privilege is improperly asserted. *Fiechtner v. American Family Mut. Ins. Co.*, Civil Action No. 09-cv-02681-REB-MEH, 2010 WL 5418875, at *1 (D. Colo. Dec. 10, 2010)(citing *People v. Madera*, 112 P.3d 688, 690 (Colo.2005).) There is no such showing here.

It is therefore **ORDERED**

1. “Plaintiffs’ Motion to Compel Defendants to Submit Documents for *In Camera* Review” [Doc. No. 1157] is **DENIED**.

Dated this 20th day of March, 2015.

BY THE COURT:



Kathleen M Tafoya
United States Magistrate Judge