

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 the September 27, 2013 Opinion and Order issued by Chief Judge Marcia S. Krieger. [Doc. No. 694.] In that Order, Judge Krieger directed this court to consider all previously unaddressed privilege claims asserted by Jaxon as to documents

contained on the hard drives of certain computers belonging to the Defendants.¹ The Special Master filed his report on April 11, 2013 [Doc. No. 601].

Pursuant to footnote 10 of Judge Krieger's September 27, 2013 Order, the parties may "revisit their claims of privilege in light of the Special Master's report and the parties' agreement to produce the redacted hard drives." (*Id.* at 16.) Therefore, it is hereby

ORDERED

1. The parties shall meet and confer with respect to the scope of remaining objections to be reviewed by the court, the preference for determination procedure, re-appointment of the Special Master and any other issues relevant to this court's impending review of the remaining documents which are designated as privileged or work product by the defendants. In addition, pursuant to footnote 9 of Chief Judge Krieger's order, the parties shall consider and discuss whether Defendants oppose any production of documents they claims as privileged or are asserting claims of privilege solely to preserve the objection to admission of the documents at trial.

2. A status report shall be filed by the parties, jointly or separately, on or before **October 24, 2013** outlining the party's position on the review going forward and making suggestions for orderly processing of the remaining material, including the access and viability of the previously used computerized database.

¹. The previous direction to the Special Master was to only address claims of attorney-client and personal privileges. (District Judge Order [Doc. No. 416] and Magistrate Judge Order [Doc. No. 576].)

3. A hearing is scheduled for **November 5, 2013 at 1:30 p.m.** before this Court to discuss issues arising from the portion of Chief Judge Krieger's Order dealing with review of the remaining documents contained on the hard drives for privilege and the issues raised in the status reports of the parties. Attorneys will be permitted to attend the hearing by telephone upon proper motion and arrangements for conference calling having been made through the Court's courtroom deputy, Sabrina Grimm, 303-335-2039.

Dated this 4th day of October, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge