

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge David L. West**

**VIESTI ASSOCIATES, INC.,**

**Civil Action No. 12-CV-01431-PAB-DLW**

**Plaintiff,**

**vs.**

**PEARSON EDUCATION, INC. and  
John Doe Printers 1 - 10,**

**Defendant(s).**

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**VIESTI ASSOCIATES, INC.,**

**Civil Action No. 11-CV-01687-PAB-DLW**

**Plaintiff,**

**vs.**

**PEARSON EDUCATION, INC.,**

**Defendant.**

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**ORDER RE: *IN CAMERA* REVIEW RE: DEFENDANT’S  
MOTIONS TO COMPEL PRODUCTION OF DOCUMENTS [DOCS. #61 and #102]**

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**ORDER ENTERED BY MAGISTRATE JUDGE DAVID L. WEST**

An *in camera* discovery review of documents 044331 thru 041409 submitted pursuant to Defendant’s Motions to Compel [Docs. #61 and #102] was conducted by Magistrate Judge on August 13, 2013 at 3:00 p.m. and:

**THE COURT FINDS AS FOLLOWS:**

1. The following documents are **NOT DISCOVERABLE** and Defendant's Motions to Compel are **DENIED as to the highlighted lines**, as the documents were prepared in anticipation of litigation per Fed. R. Civ. P. 26(b)(3):

- 044331
- 044332
- 044342 (as to entire document)
- 044343
- 044344
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- 044346
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044385  
044386  
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044390  
044391  
044392  
044393  
044394  
044395  
044396  
044398 (and attorney work product)  
044399 (and attorney work product)  
044401 (and attorney work product)  
044402 (and attorney work product)  
044403 (and attorney work product)  
044404 (and attorney work product)  
044405 (and attorney work product)  
044406 (and attorney work product)  
044407 (and attorney work product)  
044408 (and attorney work product)  
044409 (and attorney work product)

2. The following documents **ARE DISCOVERABLE** and Defendant's Motions to Compel are **GRANTED**, as the documents do not fall within the Fed. R. Civ. P. 26(b)(3), work product or attorney client privileges:

044333  
044338 (as to highlighted lines)  
044340  
044341 (as to highlighted lines)  
044347  
044348  
044350  
044354 (assignment is subject matter of this litigation).

3. The following documents are **NOT DISCOVERABLE** and Defendant's Motions to Compel are **DENIED**, as the documents are covered by attorney work product doctrine:

044334  
044335  
044339

4. The following documents are **NOT DISCOVERABLE** and Defendant's Motions to Compel are **DENIED**, as the documents are covered by attorney-client privilege:

044336  
044337 (as to highlighted lines)  
044397.

**DATED: August 14, 2013.**

**BY THE COURT:**

s/David L. West  
**United States Magistrate Judge**

**NOTICE: Pursuant to Fed. R. Civ. P. 72(a), "[w]ithin 14 days after being served with a copy of the magistrate's order, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the magistrate judge's order to which objection was not timely made. The district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law." See 28 U.S.C. § 636(b)(1)(A) ("a judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate's order is clearly erroneous or contrary to law.").**