

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 12-cv-03080-WYD-BNB

ACA INSURANCE CO., an Indiana corporation d/b/a AAA Fire & Casualty Insurance Company,

Plaintiff,

v.

ANNE RICE,

Defendant.

ORDER

This matter arises on **Defendant/Counterclaim Plaintiff's Motion to Compel Production of Documents** [Doc. # 19, filed 2/11/2013] (the "Motion to Compel"). The Motion to Compel originally sought the production of 16 documents withheld by the plaintiff on claims of attorney-client privilege and/or work product immunity and listed by the plaintiff on its privilege log. After the Motion to Compel was filed, the plaintiff voluntarily produced six of the disputed documents (## 10, 17, 18, 19, 20, and 21) and a portion of a seventh (# 14). At the hearing on the Motion to Compel, the defendant withdrew her request with respect to seven of the documents (## 2, 3, 6, 7, 8, 9, and 13) based on the plaintiff's response to the Motion to Compel. At issue now is the propriety of the plaintiff's refusal to produce documents ## 1 and 15 and certain pages of # 14.

The disputed documents were submitted for in camera review. I have reviewed them and find that they contain a request for legal advice or legal advice in connection with the plaintiff's response to the defendant's appraisal request (# 1); a request for legal advice or legal advice after

receiving the appraisal award (# 14); and a request for legal advice or legal advice concerning insurance appraisals under Colorado law as applicable to this case (# 15). The documents are subject to the attorney-client privilege. They do not address nor do they constitute the adjustment of a claim.

IT IS ORDERED that the Motion to Compel [Doc. # 19] is:

- (1) DENIED as moot with respect to documents ## 10, 17, 18, 19, 20, and 21;
- (2) DENIED as withdrawn with respect to documents ## 2, 3, 6, 7, 8, 9, and 13; and
- (3) DENIED with respect to documents ## 1, 14, and 15.

Dated March 11, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge