

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

Civil Action No. 1:15-cv-1974-WJM-KLM

DAVID MUELLER

Plaintiff,

v.

TAYLOR SWIFT; FRANK BELL;  
ANDREA SWIFT A/K/A ANDREA FINLAY;  
SCOTT SWIFT; and JOHN DOES 1-5

Defendants.

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~~(PROPOSED)~~ ORDER RE: PROTECTION AND INADVERTENT  
PRODUCTION OF PRIVILEGED MATERIALS

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In the Amended Scheduling Order, the Parties requested that the Court approve an order, under Federal Rules of Evidence 502(c) and (d), setting forth the agreements reached by the parties regarding the inadvertent production of privileged materials. Based on that request, the Court HEREBY ORDERS as follows:

1. The Parties shall be governed by Federal Rule of Civil Procedure 26(b)(5) with respect to claims of privilege, and Federal Rule of Evidence 502(a) and (b) and Federal Rule of Civil Procedure 26(b)(5)(B) with respect to inadvertent production of privileged materials.
2. The Parties shall abide by the following procedure in connection with any inadvertent production of privileged materials:
  - a. If a producing Party has a good faith belief that a privileged document has been inadvertently produced, it shall notify the receiving Party of the producing Party's

claim of privilege within sixty (60) calendar days after the producing Party actually discovers that such inadvertent production was made.

b. Upon receipt of any notice claiming privilege with respect to produced documents, all other Parties, (regardless of whether they agree with the producing Party's claim of privilege) shall promptly:


i. Use reasonable efforts to destroy or sequester all copies of the inadvertently produced documents or material in such Party's possession, custody, or control, and notify the disclosing Party that they have done so; and

ii. Notify the producing Party that they have taken reasonable steps to retrieve and destroy or sequester the inadvertently produced documents or material from other persons, if any, to whom such documents or materials have been provided, consistent with Rule 26(b)(5)(B).

c. To the extent a receiving Party disputes the producing Party's claim of privilege, the receiving Party shall notify the producing Party of its position within ten (10) business days of receiving the producing Party's notice (the "Dispute Notification"). Within ten (10) business days of receiving the Dispute Notification, the Parties shall meet and confer in an effort to resolve their disagreement. If the Parties are unable to resolve their disagreement, the Parties may submit the issue to the Court for a determination, under Magistrate Judge Mix's Discovery Procedures, submitting any document(s) in dispute under seal in compliance with Rule 26(b)(5)(B), and any relevant agreements or Court orders.

DONE and DATED this 21<sup>st</sup> day of January, 2016

BY THE COURT:

  
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U.S. District Court Judge/Magistrate Judge