

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VIAtech Tech. Inc.,

Plaintiff,

v.

No. 14-cv-1226 (RGA)

MICROSOFT CORP.,

Defendant.

MICROSOFT CORP.,

Movant,

v.

No. 16-mc-232 (RGA)

RANDOM PERSPECTIVES, LLC.,

Respondent.

MEMORANDUM ORDER

The person asserting a claim of privilege bears the burden of establishing its application. *In re Grand Jury Investigation*, 918 F.2d 374, 385 nt. 15 (3rd Cir. 1990). When Random Perspectives submitted a deposition transcript suggesting that the attorney-client relationship started in May and a purportedly privileged document with an April date without addressing the gap, it failed to meet that burden.

Now Random Perspectives asks the Court to correct its error. (D.I. 206). The deposition transcript and declaration Random Perspectives submits to support this

request was available to them all along. Thus, it does not support a reconsideration motion on its own.

Further, Random Perspectives has not explained why exposure of this document would harm it other than the generic claim that it is privileged. (See D.I. 206 at 6). The document does not speak for itself in this regard. On this showing, I cannot find manifest injustice would occur if Random Perspectives is ordered to produce this document.

Random Perspectives's motion for reconsideration is **DENIED**. Random Perspectives is directed to produce document 1.

IT IS SO ORDERED this 2 day of March 2017.


United States District Judge