

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ROBERT STEINBUCH

MOVANT

4:06-MC-00028 WRW

JESSICA CUTLER

RESPONDENT

ORDER

A telephone hearing was held on Thursday, September 28, 2006, to address concerns over documents ordered produced by the University of Arkansas at Little Rock, Bowen School of Law under a subpoena duces tecum. The University is Plaintiff's employer, but is not a party to the case. The parties appeared with counsel, as did the University through its attorney Sarah James.

The University has not moved to quash the subpoena, nor has it objected to producing the requested documents. Plaintiff, however, asserts a privilege to some of the documents requested from the University. The documents at issue are emails sent or received by Mr. Steinbuch on his employer's computer.

By agreement of the parties, Ms. James will confer with Plaintiff's counsel to identify the emails that Plaintiff contends the University should not be allowed to produce to the Defendant. Ms. James will submit a log of those emails which Plaintiff contends are privileged. The log should include a detailed description of each email, including the date it was sent or received by Plaintiff; all persons who were copied on the email, including those who received a "blind" copy; all persons who have seen the email, regardless of how it was received; a summary of the contents of the email; and an explanation of the privilege that Plaintiff contends prevents

disclosure. Ms. James should also indicate whether the University contends that any of the emails at issue are privileged and, thus, not subject to disclosure.

The Defendant has agreed not to pursue emails exchanged between Plaintiff and his attorney of record, Jonathan Rosen. Defendant also has agreed to the redaction of student names from emails. All other emails responsive to the subpoena duces tecum should be either produced or listed on the privilege log.

After Defendant's counsel have received the privilege log, they will have seven days to object to Plaintiff's designation of any email or other document as privileged.

IT IS SO ORDERED this 3rd day of October, 2006.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE