

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JAMES L. MACE, et al,

Plaintiffs,

vs.

Case No. 3:13-cv-328-J-99TJC-MCR

GEORGIA-PACIFIC LLC, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on Defendants' Unopposed Motion For Entry of an Order Pursuant to Federal Rule of Evidence 502(D) Governing the Disclosure of Privileged Information (Doc. 34) filed September 24, 2013. Having considered the arguments of counsel and for good cause having been shown, it is

ORDERED:

1. Plaintiff and Defendants shall be referred to collectively herein as the "parties" or individually as a "party";
2. This Order is intended to expedite the production of discovery in this matter and shall be applicable to and govern all deposition transcripts and/or videotapes, and documents and materials produced in response to requests for production of documents, answers to interrogatories, responses to requests for admissions, affidavits, declarations, and all other information or material produced, disclosed, made available for inspection, or otherwise submitted by any parties to this

litigation pursuant to the federal rules and/or local rules, as well as testimony adduced at trial or during any hearing (collectively, "Information");

3. Pursuant to Federal Rule of Evidence 502(d), the production or disclosure of any privileged or otherwise protected or exempted Information connected with this litigation shall not be deemed a waiver or impairment of any claim of privilege or protection, including, but not limited to, the attorney-client privilege, the protection afforded to work product materials, or the subject matter thereof, or the confidential nature of any such Information, as to the produced Information. No pre-production or post-production review for privilege shall be required by the parties and this order of non-waiver shall apply irrespective of inadvertence and any other factor contained in Fed. R. Evid. 502(b);

4. Any party who has received Information shall - upon that learning that the Information may be subject to a claim of privilege or protection or discovering information that would reasonably lead to the conclusion that the Information may be subject to such a claim - immediately cease to use such Information for any purpose and return it, including all hard and electronic copies thereof, to the disclosing party until further order of the Court. The receiving party must attempt, in good faith, to retrieve and return any copies of the Information provided to third parties;

5. Notwithstanding the foregoing, the parties do not waive their right to contest the underlying claim of privilege or protection after said Information has been returned to the disclosing party. However, the receiving party may not challenge the claim of privilege or protection by arguing that the disclosure itself is a waiver or

impairment of the privilege or protection. Any analyses, memoranda or notes the receiving party generated internally based such produced Information shall immediately be placed in sealed envelopes and shall be destroyed in the event that (a) the receiving party does not contest that the Information is privileged, or (b) the Court rules that the Information is privileged.

DONE AND ORDERED in Jacksonville, Florida this 25th day of September, 2013.



MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

Counsel of Record