

07-21329.no3

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 07-21329 CIV BROWN

THIS IS A CONSENT CASE

SANDS POINTE OCEAN BEACH
RESORT CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff(s),

v.

QBE INSURANCE CORPORATION,

Defendant(s),
_____ /

NOTICE OF HEARING - CLAIMS FILE MATERIALS

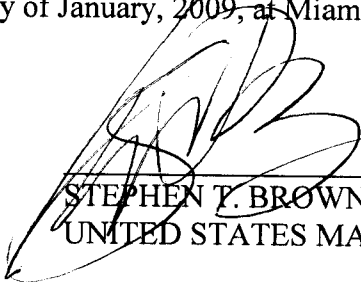
This matter is before this Court having reviewed *in camera* the allegedly privileged material in the claims file. The Court finds that from at least August of 2006, the materials can be considered either attorney-client privileged or work product, having been created, from that time forward, "in anticipation of litigation".

The Court being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that this matter is set/reset for hearing on **Wednesday, February 11, 2009, at 3:30 P.M., at the United States District Court, 301 North Miami Ave., Miami, Florida, Tenth Floor.**

With regard to claims file materials after August, 2006, the burden is on plaintiff to justify discovery. With regard to materials prior to that date, the burden is on defendant to show this Court where in the record there is evidence that the claims file materials are protected, or any other reasons

they should not be produced. Thirty minutes has been allotted for this hearing.

DONE AND ORDERED this 27th day of January, 2009, at Miami, Florida.



STEPHEN T. BROWN
UNITED STATES MAGISTRATE JUDGE

cc: counsel of record