

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

JOHN WALKER,

Plaintiff,

v.

CITY OF POCA TELLO, *et. al.*,

Defendants.

Case No. 4:15-cv-00498-BLW

**ORDER**

As explained in the Court's earlier orders (Dkts. 26 & 48), there is a dispute among the parties stemming from Kimberly Bristow's declaration stating that there is an email from Bybee to City employees (including Smith) where Bybee admonishes Mayor Blad or Chief Marchand. To resolve that dispute, the Court ordered Defendants to provide the Court with any emails from Bybee to Smith (including emails Smith was cc'd on) from September 2015 – January 2016, plus documents with specific Bates numbers. Defendants provided the Court with emails, and the Court conducted its review. The Court saw no email reflecting what Bristow said in her declaration. (Dkt. 26).

However, since that review, additional emails came to light. The new emails came from subsequent searches of individual computers, but not Bybee's or Smith's computers. Accordingly, the Court ordered Defendants to search Bybee's and Smith's computers, and provide the Court with all emails found on those computers which fit the parameters set by the Court in its earlier order for *in camera* review. (Dkt. 48).

**ORDER - 1**

Defendants complied with the Order, and provided the Court with the documents under seal. (Dkt. 49).

The Court set forth in detail the law and facts necessary for determining whether documents are protected by the attorney-client privilege in this case in its first order addressing these issues. (Dkt. 26). The Court will not repeat that standard here, but after applying it, the Court finds that all the documents recently provided to the Court (Dkt. 49) are protected by the attorney-client privilege. Therefore, Defendants do not need to produce them to Walker.

### **ORDER**

#### **IT IS HEREBY ORDERED:**

1. Defendants do not need to produce the documents provided to the Court in Dkt. 49 to Walker.
2. Walker shall respond to Defendants' Motion for Summary Judgment (Dkt. 46) on or before **October 24, 2017**.



DATED: October 10, 2017

A handwritten signature in black ink that reads "B. Lynn Winmill".

B. Lynn Winmill  
Chief Judge  
United States District Court