

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

SUSAN HINDS, individually, and as CEO of)
Strategic Management Harmony, LLC, and)
BFC SOLUTIONS, INC.,)

Plaintiffs,)

v.)

4:05-cv-180-DFH-WGH

ENHANCED BUSINESS REPORTING)
CONSORTIUM, INC.,)
GRANT THORNTON, LLP,)
PRICewaterHOUSE COOPERS, LLP,)
AMERICAN INSTITUTE OF CERTIFIED)
PUBLIC ACCOUNTANTS,)
MICROSOFT, INC.,)

MIKE STARR, as managing partner of Grant)
Thornton, LLP, and as a founding partner of)
Enhanced Business Reporting Consortium, Inc.,)

JOHN O'CONNOR, as Chairman of Services of)
Pricewaterhouse Coopers, LLP, and as a)
founding partner of Enhanced Business Reporting)
Consortium, Inc.,)

ALAN ANDERSON, as Senior Vice President of)
Member Services of American Institute of)
Certified Public Accountants and as a founding)
partner of Enhanced Business Reporting)
Consortium, Inc., and)

BOB LAUX, as Director of Financial Reporting for)
Microsoft, Inc., and as a founding partner of)
Enhanced Business Reporting Consortium, Inc.,)

Defendants.)

**ORDER ON PLAINTIFFS'
SUPPLEMENTAL MOTION TO COMPEL**

This matter is before the Honorable William G. Hussmann, Jr., United,
States Magistrate Judge, upon Plaintiff's Supplemental Motion to Compel Based

on Court Order Dated August 20, 2009, filed September 3, 2009. (Docket No. 308). Defendant Grant Thornton LLP filed its response in opposition on September 21, 2009. (Docket Nos. 319-20). Plaintiff filed a reply brief on October 15, 2009. (Docket No. 330).

The Magistrate Judge has reviewed the privilege log submitted by Defendant Grant Thornton LLP (“Grant Thornton”) and the arguments of the parties in their briefs. The Magistrate Judge concludes that Grant Thornton’s assertion of the attorney-client privilege is well-taken with respect to all of the documents listed in the privilege log, except for certain documents which are discussed further below. The Magistrate Judge concludes that the documents other than those described below are protected by the attorney-client privilege and that privilege was not waived for the specific reasons described in Grant Thornton’s brief at pages 3 and 4.

There are certain documents which the Magistrate Judge believes must be reviewed *in camera* before further determination can be made as to whether they are protected by the attorney-client privilege. Those documents are as follows:

1. Documents GTSH0003-05, 0008, 0871-72, and 0883-86 must be reviewed *in camera* to determine whether they, in fact, contain legal advice or mental impressions.

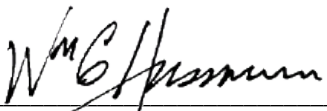
2. Documents GTSH0158, 0164-67, 0178, 0184, and 0197 must also be reviewed *in camera* to determine whether those representations concerning an attorney’s legal advice or mental impressions are well placed.

Grant Thornton shall provide the above listed documents for *in camera* review by the Magistrate Judge within fifteen (15) days of the date of this entry.

Therefore, Plaintiff's Supplemental Motion to Compel is **GRANTED, in part,** and **DENIED, in part.** The Magistrate Judge will enter an additional order concerning the remaining documents after *in camera* review.

SO ORDERED.

Dated: October 20, 2009



William G. Hussmann, Jr.
United States Magistrate Judge
Southern District of Indiana

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