

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

SEAN C. COOPER

CIVIL ACTION

VERSUS

NO. 12-2934

GEORGE BOLTON,
WESTEND CAPITAL MANAGEMENT, LLC,
CHRISTEN HARDY and CONSTELLATION
INVESTMENT CONSULTING CORPORATION

SECTION "N" (3)

ORDER AND REASONS

Having considered the record in this matter, and applicable law, **IT IS ORDERED** that the "Motion to Review Magistrate's Order" (Rec. Doc. 119), filed by Plaintiffs Sean and Krista Cooper, regarding the Magistrate Judge's May 1, 2014 Order (Rec. Doc. 114) is **DENIED**. The Court does not find the ruling to be clearly erroneous or contrary to law. See 18 U.S.C. §636; Fed. R. Civ. P. 72.(1). Specifically, Count 4 of the Superseding and Amending Complaint (Rec. Doc. 116) includes a claim under Louisiana law for intentional infliction of emotional distress. With this claim, Plaintiffs Sean and Krista Cooper have put the referenced communications "at issue" such that they will have to draw upon the communications to prevail upon it at trial. See Rec. Doc. 121 (citing cases). Accordingly, the Court finds that any applicable spousal privilege has been waived.

New Orleans, Louisiana, this 18th day of November 2014.



KURT D. ENGELHARDT
United States District Judge