

UNITED STATES DISTRICT COURT**MIDDLE DISTRICT OF LOUISIANA****UNITED STATES
OF AMERICA****CIVIL ACTION****VERSUS****NO. 11-470-JWD-RLB****STATE OF LOUISIANA AND
LOUISIANA DEPARTMENT OF
HEALTH AND HOSPITALS, et al.**

RULING AND ORDER ON DEFENDANTS' MOTION FOR PROTECTIVE ORDER

Before the Court is a Motion for Protective Order (R. Doc. 247) filed by Defendants, the Louisiana Department of Children and Family Services (DCFS) and the Louisiana Department of Health and Hospitals (DHH). Defendants filed their Motion in an effort to comply with this Court's May 22, 2015 Order (R. Doc. 244) on the United States' Motion to Compel (R. Doc. 227).

In that Order, the Court instructed the parties to file Motions addressing any issues over those documents listed in the Claw-Back Privilege Log that are still being withheld by DHH and DCFS. (R. Doc. 244 at 3). The Court further instructed the parties that any Motions should include sealed copies of each document at issue and "specifically set forth the party's position regarding each individual document." (R. Doc. 244 at 3).

In their Motion for Protective Order, Defendants explain that they are unaware whether the United States "continues to dispute Defendants' remaining claims of privilege." (R. Doc. 247 at 1-2). So as a precautionary measure, Defendants seek "an order shielding from disclosure [all

of the] documents that are still being claimed as privileged.” (R. Doc. 247 at 1). Defendants, however, did not provide sealed copies of those documents or individually address each of those documents. Otherwise, Defendants ask the Court for 14 days to respond to any supplemental Motion to Compel that might be filed by the United States.

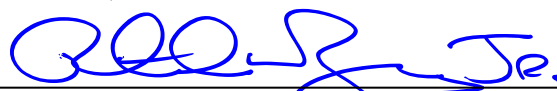
Following Defendants’ Motion for Protective Order, the United States filed a supplemental Motion to Compel (R. Doc. 248). In its Motion, the United States only moves the Court to compel production of 6 of the remaining documents being withheld by DHH and DCFS.

Because only 6 of the withheld documents are still in dispute, and Defendants have not addressed each of these remaining documents at issue,

IT IS ORDERED that Defendants’ Motion for Protective Order is **DENIED** to the extent it seeks an Order protecting all of those documents described in the Claw-Back Privilege Log that are still being withheld by DHH and DCFS. Defendants will be given an opportunity to respond to the Motion to Compel and support their claims of privilege over those 6 documents. After the matter is fully briefed, the discoverability of those 6 documents will be addressed by the Court in connection with the United States’ Motion to Compel.

IT IS FURTHER ORDERED that Defendants’ Motion for Protective Order (R. Doc. 247) is **GRANTED** to the extent Defendants request 14 days to respond to the United States’ Motion to Compel. And so, Defendants’ **response** to the United States’ Motion to Compel (R. Doc. 248) must be filed by **June 12, 2015**.

Signed in Baton Rouge, Louisiana, on June 8, 2015.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE