

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

SCOTT BUTLER

CIVIL ACTION

VERSUS

NO. 12-420-BAJ-RLB

**STATE OF LOUISIANA DEPARTMENT
OF PUBLIC SAFETY AND
CORRECTIONS, et al**

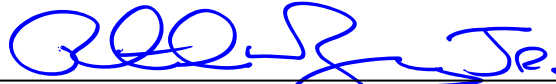
ORDER

Before the Court is Plaintiff's Motion to Compel (R. Doc. 51), filed on June 30, 2014. In his Motion, Plaintiff asks the Court to compel a non-party, Matrix, Inc., to produce documents previously requested by Plaintiff through Rule 45 subpoenas. (R. Docs. 51-9, 51-10). Matrix served written objections (R. Doc. 51-12) in response to his second subpoena (R. Doc. 51-10), Matrix withheld certain documents as privileged on behalf of Defendants — i.e., “the privilege holder of the documents sought.” (R. Doc. 56 at 1). Plaintiff now seeks a Court order compelling production of documents withheld under the attorney-client privilege. Although Plaintiff moves to compel documents from Matrix only, Defendants appropriately filed an Opposition (R. Doc. 56) to the Motion to Compel because they claim a “privilege with respect to the materials subpoenaed.” *Brown v. Braddick*, 595 F.2d 961, 967 (5th Cir. 1979).

Plaintiff served Matrix, Inc. (R. Doc. 53), with a copy of the Motion to Compel on July 18, 2014 (R. Doc. 59). Defendants, the actual holders of the privilege, have already responded. Considering that, along with the age of this litigation and the time constraints imposed by the third amended Scheduling Order (R. Doc. 48),

IT IS ORDERED that any opposition by Matrix, Inc., to Plaintiff's Motion to Compel (R. Doc. 51), must be filed by **August 1, 2014**. The Clerk of Court shall serve a copy of this Ruling on non-party, Matrix, Inc., through the Court's electronic filing system. Additionally, **Plaintiff** shall **provide** non-party, Matrix, Inc., with a copy of the Court's **Order**.

Signed in Baton Rouge, Louisiana, on July 25, 2014.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE