

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**SHARON LEWIS,  
Plaintiff**

**CIVIL ACTION**

**VERSUS**

**NO. 21-198-SM-RLB**

**LOUISIANA STATE UNIVERSITY, ET AL.,  
Defendants**

**ORDER AND REASONS**

Before the Court is a Motion to Stay Discovery Related to Order and Reasons Compelling Production of Privileged Documents and Communications with and Depositions of Former Counsel<sup>1</sup> by Defendant Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College (“the Board”). The Board has filed a Petition for a Writ of Mandamus with the United States Court of Appeals for the Fifth Circuit<sup>2</sup> seeking a reversal of this Court’s prior orders concerning (1) the application of the crime-fraud exception to the Board’s invocation of attorney-client privilege with respect to certain communications and work product<sup>3</sup> and (2) compelling production of certain documents and compelling depositions of certain individuals.<sup>4</sup> The Board maintains the stay is necessary because the disclosure of its privileged communications and work product will cause it irreparable injury.<sup>5</sup>

---

<sup>1</sup> R. Doc. 356.

<sup>2</sup> Dkt. No. 2, *In re: Bd. of Supervisors of LSU*, No. 23-20441 (5th Cir. July 3, 2023).

<sup>3</sup> R. Doc. 316, as amended by R. Doc. 335.

<sup>4</sup> R. Doc. 340.


<sup>5</sup> See R. Doc. 356.

The Board does not have a right to a stay of this Court's order of May 17, 2023.<sup>6</sup> The Board's right to the writ of mandamus it seeks is not clear and indisputable.<sup>7</sup> Furthermore, the Board has other means to protect the documents and testimony at issue. A protective order is in place under which the Board may designate documents and deposition testimony as confidential.<sup>8</sup> Additionally, the Court has freely offered the Board the opportunity for *in camera* review of documents prior to production in this action.

The Court finds staying its order is not appropriate under these circumstances. Accordingly;

**IT IS ORDERED** that the Motion to Stay Discovery Related to Order and Reasons Compelling Production of Privileged Documents and Communications with and Depositions of Former Counsel is **DENIED**.

**New Orleans, Louisiana, this 5th day of July, 2023.**

  
\_\_\_\_\_  
**SUSIE MORGAN**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>6</sup> R. Doc. 340.

<sup>7</sup> See *In re Occidental Petroleum Corp.*, 217 F.3d 293, 295 (5th Cir. 2000) (“[F]or [a party] to establish entitlement to mandamus relief, it must show not only that the district court erred, but that it *clearly and indisputably erred*.”) (emphasis in original).

<sup>8</sup> R. Doc. 204.