

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERNEST FLAGG, as Next Friend  
of JONATHAN BOND,

Plaintiff,

Case No. 05-74253

vs.

HON. GERALD E. ROSEN

CITY OF DETROIT, et al,

Defendants.

---

**NOTICE PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 26(b)(5)**

\_\_\_\_\_ NOW COMES defendant, Kwame M. Kilpatrick, by and through his counsel, JAMES C. THOMAS, of counsel to PLUNKETT COONEY, and gives notice that pursuant to F.R.Civ.P., Rule 26(b)(5), defendant Kilpatrick claims privilege as it relates to any communications, whether oral or written, by and between himself and proposed deponent William Mitchell III, as well as any work product that may have been generated as a result of the attorney/client relationship.

Respectfully submitted,

**PLUNKETT COONEY**

\_\_\_\_\_  
/s/ James C. Thomas

James C. Thomas P23801  
Attorney for Kilpatrick  
Suite 2632, 535 Griswold Street  
Detroit, MI 48226  
313-963-2420  
jthomas@plunkettcooney.com

\_\_\_\_\_  
DATED: July 28, 2008

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/ James C. Thomas  
James C. Thomas