

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN CHAMBERLAIN, Individually
and on Behalf of All Others
Similarly Situated,

Plaintiffs,

Case No. 08-cv-13451

v.

Paul D. Borman
United States District Judge

R. Steven Whalen
United States Magistrate Judge

REDDY ICE HOLDINGS, INC., WILLIAM
P. BRICK, JIMMY C. WEAVER and STEVEN
J. JANUSEK,

Defendants.

ORDER REQUIRING SUBMISSION OF DOCUMENTS TO THE COURT FOR *IN CAMERA*
REVIEW IN ADVANCE OF THE COURT-ORDERED HEARING ON THE UNOPPOSED
MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL (DKT. NO. 92)

On July 11, 2011, the Court held a telephone status conference to address the Court's concern with the proposed substitution of James R. Nelson and Eliot T. Burriss of the law firm of DLA Piper LLP (US) and Raymond W. Henney of the law firm of Honigman Miller Schwartz and Cohn LLP as counsel, in the place of Timothy A. Duffy and Michael P. Gibson of the law firm of Burleson Pate & Gibson and Thomas G. McNeil of the law firm of Dickinson Wright, PLLC, for Defendant Jimmy C. Weaver in the above-captioned matter. The Court has requested that Mr. Weaver appear before the Court, along with Mr. Nelson, Mr. Henney and Mr. Duffy, so that the Court is able to voir dire Mr. Weaver, with both retained and proposed substitute counsel present, to ensure that Mr. Weaver

has received reasonably adequate information regarding the material risks of his representation by DLA Piper LLP and Honigman Miller in this matter while DLA Piper LLP and Honigman Miller simultaneously represent Reddy Ice Holdings, Inc. ("Reddy Ice"). The parties are to contact the Court to arrange a date, sometime within the next 3-4 weeks, that is convenient for Mr. Weaver and for counsel to appear for the hearing.

During the July 11, 2011 telephone conference Mr. Nelson informed the Court that he has provided Mr. Weaver with an engagement letter which, from his perspective, addresses all of the potential conflict issues that may arise from this dual representation. In advance of the hearing, the Court would like to receive, for *in camera* review, copies of any retainer/engagement agreements between the DLA Piper and/or Honigman Miller firms on the one hand and Reddy Ice and/or Mr. Weaver on the other, with respect to the above-captioned litigation. Additionally, the Court requests copies, again for *in camera* review to precede the hearing, of any indemnification agreements, to the extent that they exist, between Reddy Ice Holdings Inc. (or any Reddy Ice corporate entity) and Mr. Weaver.

Mr. Duffy also represented to the Court during the July 11, 2011 telephone conference that he has had similar conflict waiver discussions with Mr. Weaver with regard to the issue of dual representation. To the extent that those discussions between Mr. Duffy and Mr. Weaver have been reduced to any non-privileged written understandings or agreements, the Court requests that those documents also be provided to the Court, again for *in camera* review, in advance of the hearing.

IT IS SO ORDERED.

Dated: 7-12-11



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE