

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ERINN HENDRICKSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:17-CV-00217-SPM
)	
JEFFERSON COUNTY, MISSOURI, et al.)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on its *in camera* review of several documents submitted to the Court for inspection by Erinn Hendrickson. On April 19, 2018, the Court issued an order finding that Ms. Hendrickson has generally waived the attorney-client privilege with regard to settlement-related communications between herself and the Kodner Watkins firm that are dated after the December 20, 2017, mediation date. (Doc. 112). The Court also found, however, that information in those communications regarding the specific apportionment of settlement amounts between the plaintiffs is irrelevant, remains privileged, and need not be produced. Accordingly, the Court ordered Ms. Hendrickson to produce to the Court for *in camera* inspection all documents listed in her Privilege Log that are dated after December 20, 2017, and that included the word “apportionment” in the “Description” column (the “Apportionment Documents”). The Court further stated that it would review the documents and provide a ruling regarding whether the documents need to be produced to Defendants, and if so, whether they should be redacted.

Following the issuance of the order, Ms. Hendrickson submitted to the Court a Revised Privilege Log, which is attached as an exhibit to this order. The Revised Privilege Log indicates that some of the Apportionment Documents listed in the original Privilege Log were duplicates of one another. The Revised Privilege Log also indicates, and Ms. Hendrickson’s counsel represented


to the Court by e-mail, that several of the Apportionment Documents have already been produced to Defendants. The twelve remaining Apportionment Documents were submitted to the Court and have been reviewed.

After review, the Court finds that each of the Apportionment Documents must be produced to Defendants, but that some redactions are permitted because they pertain only to the apportionment of the settlement amounts between the plaintiffs. Accordingly,

IT IS HEREBY ORDERED that, no later than **Monday, April 30, 2018**, Ms. Hendrickson must produce the twelve Apportionment Documents submitted for *in camera* review to Defendants. Ms. Hendrickson may redact those documents as follows:

1. In the email from Michael Schwade to Erinn Hendrickson and others dated January 23, 2018, at 10:08 a.m.:
 - a. In the first sentence of the paragraph beginning, “I understand,” Ms. Hendrickson may redact the portion of the sentence that follows the word “and.”
 - b. In the paragraph beginning, “As you know,” Ms. Hendrickson may redact the entire third sentence.
 - c. In the paragraph beginning, “The settlement breakdown is as follows,” Ms. Hendrickson may redact all of the numerical dollar amounts.
2. In the email from Michael Schwade to Erinn Hendrickson and others dated January 23, 2018, at 4:33 pm., Ms. Hendrickson may redact the numerical dollar amounts.
3. To the extent that the emails described above are reproduced in other documents as part of an email chain, they may be redacted as set forth above.

IT IS FINALLY ORDERED that when Ms. Hendrickson produces the redacted documents to Defendants, Ms. Hendrickson must also submit a courtesy copy of the redacted documents to the Court by email, using the following address: MOEDml_Mensah@moed.uscourts.gov.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 26th day of April, 2018.