

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNION PACIFIC RAILROAD</b>	)	
<b>COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:11CV8</b>
	)	
<b>v.</b>	)	
	)	
<b>BEEMAC TRUCKING, LLC,</b>	)	<b>ORDER</b>
<b>LANDSTAR RANGER, INC., and</b>	)	
<b>EDWARD SAMUEL EDLING,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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This action arises out of a collision which occurred between Plaintiff Union Pacific Railroad Company's ("Plaintiff") locomotive and a grapple truck that had been left on the railroad tracks.

Defendants Beemac Trucking, LLC ("Beemac") and Landstar Ranger, Inc. ("Landstar") (collectively referred to herein as "Defendants") have each filed motions requesting that the Court compel Plaintiff to produce documents that Plaintiff claims are shielded from discovery by the attorney-client privilege and/or work product doctrine. (Filings [96](#) & [99](#).) Specifically, Beemac requests that this Court order Plaintiff to produce the complete, unredacted investigative file of Special Agent Billy Barefield ("Barefield"). Landstar requests that the Court order Plaintiff to produce the following numbered items identified on Plaintiff's privilege log: 6, 7, 8, 15, 19, 20, 22, 23, 27, 28, 32, 35, 36, 39, 40, 43, 46, 49, 56, 58, 60, 62, 64, 65, 66, 71, 72, 74, 78, 79, 81, 82, 84, 85 and 93. These documents generally include (1) correspondence relating to Barefield; (2) documents and correspondence involving third-parties, ARI Fleet Management Services and HUB Enterprises, Inc.; and (3) documents relating to William Messerschmidt, one of Plaintiff's expert witnesses.

The Court has reviewed the briefs and materials submitted by the parties in connection with the motions to compel. Having done so, the Court believes that an *in camera* inspection

of the documents at issue is warranted.

Accordingly,

**IT IS ORDERED** that by or before November 19, 2012, Plaintiff shall produce to the Court, for *in camera* review, the following numbered items identified on Plaintiff's privilege log: 6, 7, 8, 15, 19, 20, 22, 23, 27, 28, 32, 35, 36, 39, 40, 43, 46, 49, 56, 58, 60, 62, 64, 65, 66, 71, 72, 74, 78, 79, 81, 82, 84, 85 and 93. By said date, Plaintiff shall also provide the Court with unmarked copies of the documents from Barefield's investigative file which were redacted prior to production to Defendants.

**DATED November 14, 2012.**

**BY THE COURT:**

**S/ F.A. Gossett**  
**United States Magistrate Judge**