

N THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

DATABASEUSA.COM, LLC, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BLAKE VAN GILDER; INFOGROUP, INC., )  
 a Corporation; and KOLEY JESSEN, P.C. )  
 L.L.O., )  
 )  
 Defendants. )  
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CASE NO. 8:17-CV-386

**ORDER**

Gregory Scaglione will be deposed in this case. In light of Mr. Scaglione’s role as counsel for Infogroup, Inc. (“Infogroup”) in the lawsuit between Infogroup and DatabaseUSA.com, LLC (“Database”), United States District Court for the District of Nebraska, Civil Action No. 8:14-cv-00049, and the pending appeal, Eighth Circuit Court of Appeals, Case No. 18-3723 (collectively, the “Underlying Litigation”), issues regarding the attorney-client privilege, work product and other privileges or doctrines are likely to arise at the deposition. In order to avoid anticipated disputes and interruptions over those issues,

**IT IS ORDERED:**

1. For purposes of his deposition only, Mr. Scaglione may be asked about and may testify regarding his communications with Infogroup (to include, without limitation, all of its directors, officers, and employees (both current and past)), Infogroup’s in-house and outside counsel, and other Koley Jessen employees regarding the flash drive which Blake Van Gilder delivered to Koley Jessen in April of 2016 (the “Van Gilder Flash Drive”), or the contents thereof, between March 1, 2016 and September 11, 2017. In addition, for purposes of his deposition only, Mr. Scaglione may be asked about and may testify

regarding his communications with, Infogroup's in-house and outside counsel, and other Koley Jessen employees regarding the contents of the Van Gilder Flash Drive after September 11, 2017.

2. Testimony given by Mr. Scaglione pursuant to Paragraph 1 of this Order shall not be deemed to waive or otherwise limit the attorney-client privilege, work product doctrine or any other privilege or doctrine with respect to those communications or any other communications between Infogroup, Infogroup's in-house and outside counsel, and other Koley Jessen employees.
3. Nothing herein or occurring during Mr. Scaglione's deposition shall be construed as allowing Database or any other party to inquire regarding Mr. Scaglione's (or any other attorney for Infogroup) mental impressions, including without limitation, any questions regarding his thought processes, strategy or other mental impressions relating to the representation of Infogroup in the Underlying Litigation.

Dated November 25, 2019.

BY THE COURT

s/ Susan M. Bazis  
United States Magistrate Judge