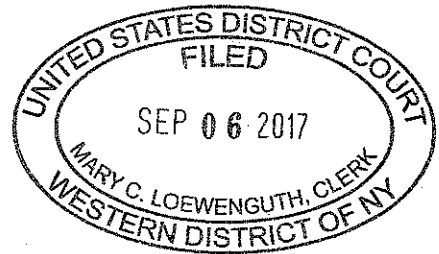


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



J.B. STERLING CO.,

Plaintiff,

v.

WILLIAM VERHELLE, JR. and CYNDEE
VERHELLE,

Defendants.

DECISION AND ORDER
15-CV-6271

Currently pending before the Court are the following motions:

(1) defendants' unopposed motion to seal certain original marked exhibits (Docket # 36); (2) plaintiff's motion for a Protective Order (Docket # 39); (3) plaintiff's motion to extend certain discovery deadlines (Docket # 39); and (4) defendants' cross motion for costs and other relief (Docket # 42).

On September 5, 2017, the Court held a hearing, and arguments were heard from counsel on the motions. At the conclusion of the hearing, the Court made several findings on the record, resolving all pending motions. For the reasons set forth in the Court's oral decision, it is hereby

ORDERED that defendants' motion to seal the documents related to plaintiff's claim of inadvertent disclosure (Docket # 36) is **granted**. The Clerk of Court is directed to file under seal the certain original marked exhibits and working copies of the exhibits

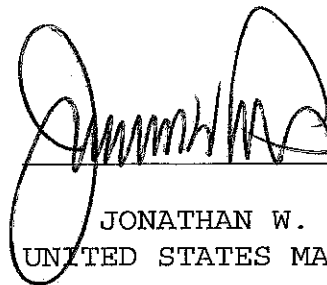
(containing privileged attorney work product information and notes), to be received from defense counsel Chad W. Flansburg, Esq.; and it is further

ORDERED that plaintiff's motion for a protective order is **granted**. The Court finds that the approximately twenty-five emails containing privileged communication that were disclosed by the third-party reviewer were inadvertently disclosed, and did not constitute a waiver of attorney-client privilege; and it is further

ORDERED that plaintiff's motion to extend the Scheduling Order deadlines to allow for additional discovery is **denied**. The parties have agreed to, and the Court will file a Final Scheduling Order; and it is further

ORDERED that defendants' cross-motion for costs and other relief is **denied**.

SO ORDERED.



JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Dated: September 6, 2017
Rochester, New York