

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13cv121**

**WILLIAM R. SCHERER and ANNE** )  
**SCHERER,** )  
 )  
    **Plaintiffs,** )  
 )  
**v.** )  
 )  
**STEEL CREEK PROPERTY OWNERS** )  
**ASSOCIATION, PAUL IOOSS AND** )  
**STEPHEN IOOSS,** )  
 )  
    **Defendants.** )  
\_\_\_\_\_ )

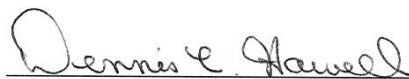
**ORDER**

Pending before the Court is the Motion to Compel [# 96]. Plaintiffs move the Court to compel Defendants to produce a privilege log and to supplement their discovery responses. Upon review of the record and the relevant legal authority the Court **DIRECTS** the parties as follows:

- (1) To the extent that any party to this action has not already done so, the Court **DIRECTS** each party to provide a privilege log to the opposing side that complies with the requirements of the Federal Rules of Civil Procedure by April 20, 2015. The failure to provide a log by this date will result in the waiver of any privilege asserted.
- (2) The Court **DIRECTS** counsel for the parties to confer in person

by April 20, 2015, regarding what discovery responses need to be supplemented in light of the Court's prior Orders regarding the assertion of the advice of counsel defense, as well as the recent amendment to the Defendants' Answers. To the extent that Defendants assert this defense to a claim, they have waived the attorney client privilege and must supplement their discovery responses. The parties shall file a joint report with the Court by April 21, 2015, regarding what, if any, issues remain for the Court to resolve related to any pending discovery requests.

- (3) No further discovery motions shall be filed in this case absent a certification that counsel for each side conferred in person and face to face and were unable to resolve the dispute without court intervention. Absent such a certification, the Court will strike the motion from the record.
- (4) Consistent with this Order, the Court **DENIES** with leave to review the Motion to Compel [# 99].



Dennis L. Howell  
United States Magistrate Judge

