

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-CV-00472-KDB**

THOMAS L. MASON, ET AL.,

Plaintiffs,

v.

**HEALTH MANAGEMENT
ASSOCIATES, LLC, ET AL.,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiffs' Motion to Compel *In Camera* Review and Defendants' Notice of Submission of Documents for *In Camera* Review. (Doc. Nos. 299, 324). The Court has carefully reviewed the submitted documents and has held a telephonic conference on December 21, 2022, to question Defense counsel about the submitted documents. For the reasons briefly discussed below, the Court will not compel the production of the submitted documents.

The Court granted Plaintiffs' Motion for *in camera* review at Plaintiffs' request to verify the privileged nature of the documents as represented by Defendants. After its thorough review, which included the substance of documents that may not even have been in dispute, the Court has determined that the documents submitted need not be produced because they are both or either irrelevant and/or privileged.

Specifically, the Defendants submitted various compliance reports, which contained both privileged and non-privileged entries. (*See* Docs. 2217, 5529, 8446, 8847). While the privileged portions of these reports could be redacted with some effort, the Court finds that both the privileged

and non-privileged entries in the reports are irrelevant to this matter, and the Court will not compel the disclosure of irrelevant documents. Besides these reports, the other documents submitted to the Court contain communications by counsel or communications sent either to or from counsel about employment matters at the various hospitals HMA operated. As such, these documents are clearly privileged and also almost entirely irrelevant. (*See* Docs. 2235, 2296, 3935, 8143, 8146, 8877). In sum, the Court finds that Plaintiffs either are not entitled to the submitted documents or don't need them (or both). Therefore, the Court will not compel the production of any of the submitted documents.

SO ORDERED

Signed: December 21,



Kenneth D. Bell
United States District Judge

