

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:13-MC-00120-RJC-DSC**

<b>THE RETIREMENT BOARD OF THE</b>	)
<b>POLICEMEN’S ANNUITY AND</b>	)
<b>BENEFIT FUND OF THE CITY OF</b>	)
<b>CHICAGO, et. al.,</b>	)
<b>Plaintiffs,</b>	)
	)
<b>v.</b>	)
	)
<b>THE BANK OF NEW YORK MELLON,</b>	)
	)
<b>Defendant.</b>	)

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**THIS MATTER** is before the Court on “Nonparty Phillip Wertz’s Motion to Quash Subpoena” (document # 1) filed July 31, 2013, and the parties’ associated briefs and exhibits. See documents ##2, 3, 6-9, 12, and 15-17. This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and is now ripe for the Court’s consideration.

For the reasons set forth in Wertz’s briefs, the Court concludes that the deposition testimony Plaintiffs seek through their subpoena falls within the attorney client privilege. Therefore, Wertz’s “Motion to Quash Subpoena” (document # 1) is granted.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Robert J. Conrad, Jr..

**SO ORDERED.**

Signed: September 16, 2013

  
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David S. Cayer  
United States Magistrate Judge

