

Case No. 1:10-CV-00127
Gwin, J.

REDACTED.”

The second phrase appears in Documents 182, 217, 218, 219, 272, 277, 280, 283, 284, 285, 292, 300, 335, 595, and 596. Omnicare may redact this phrase to read, “Sam Enloe to deliver message and REDACTED.”

II. Keefe/Germunder Documents

The Court overrules Omnicare’s claim of privilege for Documents 11 and 13. These documents synthesizes legal advice and business decisions. Although any notation of what the legal advice of counsel actually was or the fact that advice was sought may be redacted, the remainder of this document must be disclosed.

The Court overrules Omnicare’s claim of privilege for Document 12. Although the e-mail does contain the legal advice of counsel, the underlying attachment summarizes and excerpts the provisions of unprivileged contracts. This is not privileged. It is also not protected by the attorney work product protection because there is no indication it was prepared in anticipation of any litigation.

The Court overrules the claim of privilege for Documents 17 and 18. The legal advice in these documents was disclosed to independent third parties.

The Court also overrules the claim of privilege for Document 19. This document contains privileged legal advice. But it also contains legal advice which was disclosed to third parties. The advice is no longer protected.

By noon on October 16, 2013, Omnicare must provide the documents described above.

Case No. 1:10-CV-00127
Gwin, J.

The Court sustains Omnicare's other assertions of privilege that the Court has not previously overruled.

IT IS SO ORDERED

Dated: October 15, 2013

s/ _____
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE