UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KENNETH J. RUTHERFORD, JR.,
Plaintiff,

vs.

WARDEN, SOUTHERN OHIO CORRECTIONAL FACILITY, et al.,
Defendants.

Case No. 1:15-cv-164
Barrett, J.
Litkovitz, M.J.

ORDER

This matter is before the Court on plaintiff's motion to find attorney-client privilege misconduct (Doc. 74) and defendants' motion to strike plaintiff's motion (Doc. 82).

Plaintiff asserts that former defense counsel violated the attorney-client privilege by disclosing to prison officials confidential information about plaintiff learned during private settlement discussions with plaintiff. (*See* Doc. 74 at 1-2). Plaintiff asserts that the Court needs to address this matter accordingly and grant relief in the amount of $200,000. (*Id.* at 3, 5). Defendants move to strike plaintiff's motion because defense counsel never had an attorney-client relationship with plaintiff. (*See* Doc. 82 at 2-3).

Plaintiff, who is proceeding *pro se* in this matter, did not have an attorney-client relationship with his opponents' attorney. Thus, the settlement discussion between plaintiff and defense counsel was not protected by the attorney-client privilege. Accordingly, plaintiff's motion (Doc. 74) is **DENIED**. Further, defendants' motion to strike (Doc. 82) is **DENIED**. Given that plaintiff's motion has been denied, defendants have not shown prejudice from plaintiff's motion warranting the additional remedy of striking it from the docket.

IT IS SO ORDERED.

Date: 6/7/17

Karen L. Litkovitz
United States Magistrate Judge