

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TIMOTHY L. COLEMAN,

Petitioner,

-vs-

MARGARET BRADSHAW, Warden,

Respondent.

:

Case No. 3:03-cv-299

:

District Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

:

ORDER TO PETITIONER'S COUNSEL

This capital habeas corpus case is before the Court on Petitioner's letter to Judge Sargus complaining of the conduct of his appointed counsel (Doc. No. 211). Coleman's counsel shall respond thereto not later than March 20, 2014. By reciting in the letter the content of various conversations between himself and his counsel, Coleman has waived the attorney-client communication privilege as to the content of those communications. The attorney-client privilege is waived by voluntary disclosure of the communication in such a way as to breach confidentiality *United States v. Dakota*, 197 F.3d 821, 825 (6th Cir. 2000), *citing In re Grand Jury Proceedings October 12, 1995*, 78 F.3d 251, 254 (6th Cir. 1996) *Leybold-Heraeus Tech. Inc. v. Midwest Instrument Co.*, 118 F.R.D. 609 (E.D.Wis. 1977); *supra*; *Fonar Corp. v. Johnson & Johnson*, 277 U.S.P.Q. 886 (D. Mass. 1985).

March 10, 2014.

s/ *Michael R. Merz*
United States Magistrate Judge