

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

MASSACHUSETTS BAY INSURANCE
COMPANY,

Plaintiff,

:

Case No. 3:10-cv-094

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

:

BILBREY CONSTRUCTION CO., et al.,

Defendants.

ORDER

Plaintiff has complied with the Magistrate Judge's Order to file under seal the documents it received from O.C.A. Consultants.

Nationwide Insurance is ordered to inspect those documents forthwith and file with the Court not later than March 25, 2011, any express claim of privilege which it wishes to make with the specificity require by Fed. R. Civ. P. 26(b)(5)(A). Plaintiff must respond to those claims within five business days of filing¹. So as not to delay the Ayers' deposition, the Court finds that his statement which is included in these materials, is a privileged communication with counsel for Kee Electric. March 18, 2011.

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

¹This short time frame is set so as not to delay completion of discovery in the case.