

**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.

DECISION AND ORDER

Nationwide Insurance Company made herein a claim of attorney-client communications privilege respecting documents produced to Plaintiff by O. C. A. Consultants, Inc. To adjudicate that claim, the Court ordered Plaintiff to sequester those documents, “make no use or disclosure of those documents pending the Court’s resolution of Nationwide’s privilege claim, take reasonable steps to retrieve any of this information which it has disclosed, and present the O.C.A. documents under seal to the Court not later than March 18, 2011, for determination of the privilege claim.” (Decision and Order, Doc. No. 75, PageID 691). Noting Mass Bay’s compliance on March 18, 2011, the Court ordered Nationwide to file a privilege log as to those documents by March 25, 2011, and Mass Bay to file a response to any claims of privilege made in the log within five business days (Order, Doc. No. 78.) Nationwide filed the privilege log as ordered (Doc. No. 79). The fifth business day after the privilege log was filed was April 1, 2011, but Plaintiff has filed no response to the privilege log.

Accordingly, Nationwide’s claim of attorney-client communications privilege as made in the privilege log is sustained.

April 2, 2011.

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