IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ADEPT MANAGEMENT INC., et al,

Defendants.

Civ. No. 1:16-cv-00720-CL

OPINION AND ORDER

CLARKE, Magistrate Judge.

This case comes before the Court on Plaintiff FTC's Response (#293) to the motion to compel (#291) filed by Defendants Dennis Simpson and Reality Kats, LLC ("Simpson Defendants"). Simpson Defendants' motion seeks to compel the resumption of depositions of third-party witness David Lennon and Defendant Jeffrey Hoyal, and for an order compelling them to answer questions for which they previously invoked privileges. In its response, the FTC does not oppose the Simpson Defendants' motion, but instead seeks to compel Mr. Lennon to answer one specific question: "Who was the beneficiary of Revista?"

In response to that question, Mr. Lennon refused to answer, citing Oregon Rule of Professional Conduct 1.6. Lennon Dep. 126:16 – 127:22 (#292-2). Mr. Lennon conceded that

he did not believe the information to be subject to attorney-client privilege, but nonetheless refused to answer based on a duty of confidentiality. *Id.* at 130:24 – 131:6. Under Oregon Rule of Professional Conduct 1.6(a), "[a] lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b)." Paragraph (b) then provides, "[a] lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary: . . . (5) to comply with other law, court order, or as permitted by these Rules[.]"

The information sought by the FTC is relevant and is not subject to attorney-client privilege. Pl. FTC's Resp. Mot. Compel, 2-3 (#293). Therefore, Mr. Lennon is ordered to answer the FTC's question, "who was the beneficiary of Revista?[,]" under oath, in writing, within 14 days of the date of this order.

It is so ORDERED and DATED this 3 day of July, 2018.

MARK D. CLARKE
United States Magistrate Judge