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July 1, 2014

Via Electronic Transmission
and U.S. Mail

The Honorable Joseph F. Anderson, Jr.
United States District Judge
901 Richland Street
Columbia, SC 29201

RE: Perrin and Debbie Babb, et al. v.
Lee County Landfill SC, LLC, et al.
(C.A. No. 3110-cv-01724-JFA)

Dear Judge Anderson:

Please find enclosed the Special Master's Report of *In Camera* Review, dated July 1, 2014, which I have prepared at your direction and submit to you for your review.

By copy of this letter, I have provided a copy of the Special Master's Report to counsel for the parties in this litigation.

I was pleased to be of service to you, the Court, and the parties in this matter. If you have any questions with respect to the Special Master's Report, please do not hesitate to contact me. My telephone number is: 777-3613, and my email address is: bockman@law.sc.edu.

Very truly yours,


Robert T. Bockman

Enclosure

CC: Plaintiffs' Counsel Gary W. Poliakoff, Esq. (w/ enc.)
Plaintiffs' Counsel William E. Hopkins, Esq. (w/enc.)
Defendants' Counsel Steven D. Weber, Esq. (w/ enc.)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Perrin and Debbie Babb, Wayne and Sarah
Elstrom, Alan and Kathy Jackson,

Plaintiffs,

v.

Lee County Landfill SC, LLC, Republic
Services of South Carolina, LLC, and
Republic Services, Inc.,

Defendants.

C.A. No.3:10-cv-01724-JFA

**SPECIAL MASTER'S
REPORT OF
IN CAMERA REVIEW**

INTRODUCTION

Upon appointment by the Honorable Joseph F. Anderson, Jr., United States District Judge, the undersigned has served as Special Master in this action and submits this Report at his direction.

This matter concerns a dispute concerning the production of certain documents prior to a trial in which the Plaintiffs seek injunctive relief. The trial is scheduled to begin on July 14, 2014.

By way of a motion, dated June 6, 2014, Plaintiffs sought an order compelling the Defendants to produce certain documents alleged to be privileged and for *in camera* review. Defendants filed a Response in Opposition to Plaintiffs' motion on June 16, 2014. All parties consented to appointment of a Special Master or Magistrate to review the documents for which the claims of privilege had been asserted.

On June 26, 2014, Judge Anderson appointed me to review the documents and report with respect to the Defendants' assertions of privilege.

On June 27, 2014, counsel for the Defendants provided me with a copy of the Plaintiffs' motion to compel production, a copy of the Defendants' response, and copies of the documents for which the Defendants have asserted various privileges.

Originally, the Defendants identified 321 documents for which they sought protection, generally based on assertions that the documents were protected by the attorney-client privilege, the doctrine of attorney work-product, or both. The documents now at issue consist of 66 documents for which the Plaintiffs requested *in camera* review. I have reviewed those 66 documents in light of the arguments contained in the Plaintiffs' Motion and in the Defendants' Response. Based on that review, I have reached the following conclusions and make the following recommendation concerning the Defendants' assertions of privilege for those documents.

CONCLUSIONS

1. With respect to the following documents, identified in "Documents Requested by Plaintiffs for Submission for *In Camera* Review," and contained in Notebook 3, and which Defendants provided to me ("Plaintiffs' *in camera* list"), I conclude that such documents ARE NOT protected by any privilege which the Defendants have asserted:

DOCUMENTS IC#1 through IC#3, inclusive
DOCUMENT IC#8
DOCUMENT IC#10
DOCUMENT IC#17
DOCUMENT IC#19
DOCUMENT IC#20
DOCUMENT IC#60
DOCUMENT IC#61

2. With respect to the following documents identified in Plaintiffs' *in camera* list, I conclude that such documents ARE protected by one or more of the privileges which the Defendants assert:

DOCUMENT IC#7
DOCUMENT IC#9
DOCUMENT IC#11 through IC#16, inclusive
DOCUMENT IC#18
DOCUMENT IC#59
DOCUMENT IC#63
DOCUMENT IC#66

3. The following documents identified in Plaintiffs' *in camera* list, which have been partially redacted, ARE protected by one or more of the privileges which the Defendants assert:

DOCUMENTS IC#4-A through 6-A, inclusive
DOCUMENTS IC#21-A through IC#58, inclusive
DOCUMENT IC#62-A

4. The following documents identified in Plaintiffs' *in camera* list were previously produced by the Defendants:

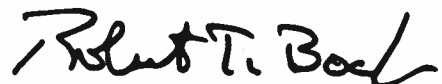
DOCUMENT IC#64
DOCUMENT IC#65

RECOMMENDATION

Based on my review of the Defendants' assertions of privilege for the 66 documents identified in Plaintiffs' *in camera* list and contained in Notebook 3 and my review of those documents, I recommend that the Plaintiffs' Motion to Compel Production be granted with respect to the documents identified in paragraph 1 of the Conclusions in this Report and that the Plaintiffs' Motion be denied with respect to the documents identified in paragraphs 2 and 3 of the Conclusions.

Columbia, SC
July 1, 2014

Respectfully submitted



Robert T. Bockman
Special Master