

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

FREDERICK CHARLES DAVY and
SHARON LEE DAVY, and on behalf of a
Class of Individuals Similarly Situated,

Plaintiffs,

vs.

DUKE ENERGY CAROLINAS, LLC,
ENERGY CONSERVATION SOLUTIONS,
INC., GREENSKY TRADE CREDIT, LLC,
and SUNTRUST BANKS, INC.,

Defendants.

Case Number: 7:15-cv-04927-MGL

CONSENT ORDER

Counsel for all parties in this litigation asks that the Court enter the following Order governing the potential production of privileged documents or privileged information during discovery in this litigation. For good cause shown,

IT IS ORDERED that:

The production of any document or other information subject to protection by the attorney-client or other applicable privilege and/or the work product doctrine or by another legal privilege protecting such information/documents from discovery shall not constitute a waiver of any privilege or other protection, provided that the Producing Party notifies the Receiving Party in writing of the production of the privileged document or information and the basis for the claim within ten (10) business days after its discovery of same by the Producing Party. Provided the above notice procedures are followed, the attorney-client privilege or work product doctrine is not waived by disclosure in this litigation.

Upon written notice of a production of a privileged document by the Producing Party (or oral notice if notice must be delivered at a deposition, hearing or in any circumstance where

written notice is not practical), the Receiving Party shall promptly return or destroy the specified document and any hard copies the Receiving Party has, and may not use or disclose the document or information contained therein. To the extent that the Producing Party insists on the return or destruction of electronic copies, rather than disabling the documents from further use or otherwise rendering them inaccessible to the Receiving Party, the Producing Party shall bear the reasonable costs of the return or destruction of such electronic copies.

To the extent the information contained in a document subject to a claim of privilege has already been used in or described in other documents generated or maintained by the Receiving Party, the Receiving Party will sequester such other documents until the claim of privilege has been resolved. If the Receiving Party discloses the specified information before being notified of its production, it must take reasonable steps to retrieve the information until the claim of privilege is resolved.

If any Receiving Party is in receipt of a document from a Producing Party that the Receiving Party has reason to believe was mistakenly produced by the Producing Party, the Receiving Party shall in good faith take reasonable steps to notify the Producing Party of the production of that document so that the Receiving Party may make a determination of whether such document(s) was unintentionally produced.

IT IS SO ORDERED.

s/Mary Geiger Lewis

Mary Geiger Lewis
United States District Judge

April 22, 2016
Columbia, South Carolina

WE SO MOVE AND CONSENT:

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April 22, 2016
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WE CONSENT:

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