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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LEO DURDEN,

9 Plaintiff,

10 v.

11 GEICO ADVANTAGE INSURANCE
12 COMPANY,

Defendant.

C17-651 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Defendant's motion for protective order, docket no. 10, is STRICKEN in
16 part as moot and DENIED in part without prejudice.

17 (a) Defendant seeks a protective order precluding plaintiff from
18 deposing Rory W. Leid, III or any other member of Cole | Wathen | Leid | Hall,
19 P.C. Plaintiff has indicated that he has "no present intent" to depose defendant's
20 attorneys, see Pla.'s Resp. at 7 (docket no. 13), and thus, the related portion of
21 defendant's motion is stricken as moot.

22 (b) Defendant asks for a protective order declaring all communications
23 between it and its attorneys privileged and precluding discovery of defendant's
claim file (or some portion thereof) and its attorneys' litigation file. Before filing
the motion for protective order, defendant's counsel did not engage in a good faith
effort to confer; emails proposing a stipulation and threatening to file a motion if it
is not signed, see Ex. 11 to Holsman Decl. (docket no. 12-11), do not constitute a
conference under Local Civil Rule 37(a)(1). Moreover, as evidenced by materials
attached to defendant's attorney's declaration, defendant's claim file contains

1 documents that would not be protected by either attorney-client or work-product
2 privilege, for example, police reports, witness statements, and correspondence
3 with the opposing party, and the Court cannot rule on defendant's motion in the
4 absence of a proper privilege log. The balance of defendant's motion is therefore
5 denied without prejudice.

6 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
7 record.

8 Dated this 25th day of October, 2017.

9 William M. McCool
10 Clerk

11 s/Karen Dews
12 Deputy Clerk