

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEO DURDEN,

Plaintiff,

V.

GEICO ADVANTAGE INSURANCE  
COMPANY,

Defendant.

C17-651 TSZ

## MINUTE ORDER

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

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

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

(b) Defendant asks for a protective order declaring all communications 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  
absence of a proper privilege log. The balance of defendant's motion is therefore  
denied without prejudice.

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

5 Dated this 25th day of October, 2017.

6  
7 William M. McCool  
Clerk

8 s/Karen Dews  
9 Deputy Clerk