

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

CALVIN J. HILL, INDIVIDUALLY  
AND AS THE EXECUTOR OF THE  
SUCCESSION OF ELNORA JOHNSON  
HILL

NO. 2014 CW 1373

VERSUS

TMR EXPLORATION, INC., PARK  
EXPLORATION, INC., AND VITOL  
RESOURCES, INC.

NOV 24 2014

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In Re: Vitol Resources, Inc. of Delaware and TMR Exploration, Inc., applying for supervisory writs, 18th Judicial District Court, Parish of West Baton Rouge, No. 41,245.

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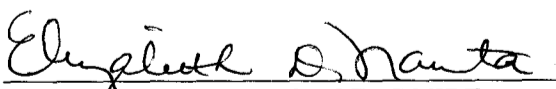
**BEFORE: WHIPPLE, C.J., GUIDRY, McDONALD, THERIOT AND DRAKE, JJ.**

**WRIT GRANTED IN PART.** That portion of the September 4, 2014, judgments of the trial court ordering Defendants, Vitol Resources, Inc., of Delaware, and TMR Exploration, INC., to produce all documents claimed as privileged or work-product on their privilege log, save and except irrelevant attorney-client communications identified in court by counsel for TMR Exploration, Inc., is hereby reversed. Under Louisiana law, the party asserting the privilege has the burden of proving that the privilege applies; further, the party asserting the privilege must adequately substantiate the claim and cannot rely on a blanket assertion of privilege. See **Cacamo v. Liberty Mut Fire Ins. Co.**, 99-1421 (La. App. 4th Cir. 10/10/01), 798 So.2d 1210, 1216, writ not considered, 2001-3087 (La. 1/25/02), 806 So.2d 665, writ denied, 2001-2985 (La. 1/25/02), 807 So.2d 844, and **Maldonado v. Kiewit Louisiana Co.**, 2012-1868 (La. App. 1st Cir. 5/30/14), reh'g denied (Aug. 24, 2014), reh'g denied (Sept. 26, 2014). Defendants are hereby ordered to produce a privilege log containing a description of each document over which they assert the attorney-client or work-product privilege sufficient to establish the privilege claimed. In all other respects, the writ is denied.

JMG  
JMM  
MRT  
VGW

**Drake, J.**, dissents and would deny the writ.

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT