

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

THE DOW CHEMICAL COMPANY

NO. 2013 CW 0932

VERSUS

GEISMAR SPECIALTY PRODUCTS,
LLC

APR 14 2015

In Re: The Dow Chemical Company, applying for rehearing, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 579503.

BEFORE: McCLENDON, HOLDRIDGE AND CHUTZ, JJ.

APPLICATION FOR REHEARING GRANTED. This Court's December 30, 2014 action was internally inconsistent because it listed the Bates numbers 1605-1619 in both the first paragraph of the order, which enumerated documents that were protected by the attorney-client privilege, and in the second paragraph of the order, which enumerated documents that were not protected by the attorney-client privilege. We clarify that the attorney-client privilege protects the documents bearing Bates Numbers 1605-1619. We further clarify that the district court's April 30, 2013 ruling is reversed only in part with respect to that portion of the district court ruling that found the documents enumerated in the first paragraph of this Court's action to be non-privileged. Accordingly, we hereby amend the first two paragraphs of this Court's December 30, 2014 action to read as follows:

WRIT GRANTED IN PART AND DENIED IN PART. This Court hereby reverses the April 30, 2013 ruling of the district court in part and finds that the attorney-client privilege protects those documents identified by Bates number as follows: 1605-1619, 1688, 1835-1838, 2711, 2730-2735, 3095-3098, 3316, 75-78, 162-166, 196-197, 198, 368-380, 463-465, 466-473, 752, 933-934, 935, 978, 1082-1083, 1131-1132, 1205-1206, 1592, 2162, 2166, 2185-2186, 2439, 2440-2481, 2576-2577, 280-281 (included in the writ application as p. 551-552), 2188-2189 (included in the writ application as p. 563-564).

We uphold the ruling of the district court finding that the attorney-client privilege does not protect the documents identified by Bates number as follows: 403-408, 409-412, 1329-1373, 1624-1626, 1627-1629, 1630-1632, 1634-1635, 1636-1637, 1648-1650, 1651-1653, 2033-2054, documents without a Bates number but included in the writ application as p. 565-568.

With respect to those documents designated as trade secrets by the Special Master, and not protected by the attorney-client privilege, the writ application is denied. Those documents will be reviewed pursuant to this Court's order in 2013CW0907 and are identified by Bates number as follows: 104-105, 110-114, 115, 672, 936-977, 979-1020, 1084-1086, 1593-1597, 1604, 1946-1947, 282-291 (included in the writ application as p. 553-562), 3458-3499 (included in the writ application as p. 659-700), 3500-3542 (included in the writ application as p. 616-658).

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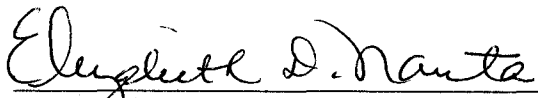
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The documents Dow identified as Bates numbers 292, 3590-3680, and 569-615 were not contained in this writ application; as to those documents, the writ is denied on the showing made.

In all other respects, this Court's previous action is maintained.

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WRC

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FOR THE COURT