

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ROY FERRAND ET AL.

CIVIL ACTION

VERSUS

NO. 11-926

TOM SCHEDLER ET AL.

SECTION "H" (2)

**ORDER ON MOTION**

APPEARANCES: None (on the briefs)

MOTION: Plaintiffs' Motion to Compel Production of Withheld Documents Responsive to Plaintiffs' First Request to Defendant Greenstein for the Production of Documents, Record Doc. No. 135

**ORDERED:**

XXX : GRANTED IN PART AND DENIED IN PART. The motion is granted insofar as it seeks an order compelling defendant to produce the "Bradley Heard" documents identified at Record Doc. No. 135-1 at p. 5 of 12. Defendant concedes that these materials were inadvertently designated as privileged when no privilege in fact applies. Record Doc. No. 149 at p. 2. These materials must be produced no later than **March 21, 2012**.

The motion is granted in part and denied in part insofar as it seeks more specific privilege logs. No later than **March 21, 2012**, defendant must supplement the "Master List" and "Master List/Key" components of their current logs to identify all listed authors and/or recipients of logged materials by job title and employment affiliation of persons who have not previously been so identified (e.g. Emma Taylor, Beth Scalco). In all other respects, the motion is denied as to the privilege logs. Under the particular circumstances of this case and this discovery, the existing log(s) sufficiently comply with Fed. R. Civ. P. 26(b)(5), except as noted above. Plaintiff's "Instructions" and the privilege log relief sought in this motion exceed what is required by the Rule and will not be imposed here.

The motion is also denied insofar as it seeks sanctions. I find that a reasonable apportionment of expenses incurred in connection with this motion is that both sides should bear their own. Fed. R. Civ. P. 26(a)(5)(C).

New Orleans, Louisiana, this 7<sup>th</sup> day of March, 2012.



JOSEPH C. WILKINSON, JR.  
UNITED STATES MAGISTRATE JUDGE