

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-61483-CIV-Moore/Garber

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

DANIEL WOLANSKY,

Plaintiff/Intervenor,

v.

UNITED HEALTH CARE OF
FLORIDA, INC.,

Defendant.

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ORDER

THE COURT, by its Order dated July 11, 2007 (DE 59), directed the defendant to provide for the Court's *in camera* inspection those documents set forth in the defendant's Privilege Log, filed by defendant as part of its response in opposition to the plaintiff's Motion to Compel Production of Documents (DE 47). Pursuant to such Order, the Court has received and examined each of said documents to which claims of privilege have been asserted by the defendant.

The Court finds, from its examination of those documents to which privilege claims have been asserted, that such documents are indeed shielded by claims of attorney-client privilege and/or work product privilege. A substantial number of such documents are inter-office memoranda between attorneys reflecting their views regarding opinions on liability, investigation, strategy, and other such related items. Also included were various interviews conducted by the defendant's attorneys in

anticipation of litigation, all of which are shielded by the work product privilege.

Defendant, in response to the plaintiff's Motion to Compel Production of Documents, has furnished a substantial number of documents such as non-privileged documents relating to (1) William Condon, (2) complaints of sex discrimination and/or retaliation made during William Condon's employment at the Sunrise Facility, (3) plaintiff-intervenor Daniel Wolansky, and (4) complaints of sexual harassment and retaliation at the Sunrise Facility.

As to those documents sought and to which claims of privilege have not been asserted, the Court finds that such documents may well lead to relevant or admissible evidence in this cause. Accordingly, and upon due and careful consideration, it is hereby

ORDERED as follows:

1. Plaintiff's Motion to Compel Production of Documents is GRANTED in its entirety except as to those documents to which claims of privilege have been asserted, the Court finding that such claims of privilege are valid and those documents are not subject to production.

2. The defendant shall produce all documents required by this Order on or before July 31, 2007.

DONE AND ORDERED in Chambers at Miami, Florida this 20th day of July, 2007.


BARRY L. GARBER
UNITED STATES MAGISTRATE JUDGE