

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FAIR FIGHT ACTION, INC., *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION FILE

NO. 1:18-CV-5391-SCJ

ORDER

This matter appears before the Court to address outstanding issues concerning Defendants' privilege log, which contains approximately 48,000 entries.¹ After review of the parties' arguments concerning the matter, the Court exercises its discretion to undertake a review of Defendants' privilege log and conduct an *in camera* inspection of a randomized sampling of the 48,000 entries as requested by Plaintiffs. In addition to this randomized review, the Court will conduct a more focused review of a sampling of cases to address the concern

¹ There are no additional issues (for the Court's resolution) as to Plaintiffs' privilege log, per Defendants' notice/filing at Doc. No. [382], p. 3.

recognized in the Court's prior order (at Doc. No. [237]), i.e., the potential for a "zone of silence" to be afforded to an organization when attorney-client privilege is asserted for any employee who holds a juris doctorate, but who is not performing legal services. Doc. No. [237], p. 2.

The Court will issue an order on July 8, 2020 that provides a list of the documents that the Court will require Defendants to produce to the Court for *in camera* inspection (in electronic format).² In the interim (i.e., prior to July 8, 2020), the parties may engage in additional discussions to determine if any of Plaintiffs' concerns about the privilege log can be resolved amongst themselves.

The Court recognizes that the substantive motions/briefing process is ongoing. The Court will *not* issue any merits rulings on the pending and forthcoming substantive motions until the outstanding issues concerning Defendants' privilege log are resolved.

² The Court also wants to ensure that the ftp site link it received from Plaintiffs contains the most up-to-date Excel version of Defendants' log. To this regard, Defendants are **ORDERED** to review the ftp site link that was provided to the Court (via email from Plaintiffs' Counsel on Monday, June 22, 2020) and ensure that the Excel file/privilege log contained in said link is the correct privilege log. Defendants shall **IMMEDIATELY** inform the Court if said privilege log is not correct.

IT IS SO ORDERED this 29th day of June, 2020.

s/Steve C. Jones
HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE