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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Manuel de Melendres, et al.,  
10 Plaintiffs,  
11 v.  
12 Maricopa, County of, et al.,  
13 Defendants.  
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No. CV-07-02513-PHX-GMS  
**ORDER**

15 On September 14, 2015, District Judge G. Murray Snow referred to this Court an  
16 in camera review of certain emails to determine whether they are protected from  
17 disclosure by the attorney-client privilege and/or work-product doctrine.

18 The Court has reviewed the four sets of emails provided by counsel for Defendant  
19 Arpaio. The Court finds that the emails Bates numbered MELC1397334,  
20 MELC1397335, and MELC1397336 are protected from disclosure by the attorney-client  
21 privilege. The relevant portions of these email chains are between counsel for Defendant  
22 Arpaio for the purpose of giving legal advice, and there is no basis for the Court to find  
23 that a waiver has occurred. *See In re Fischel*, 557 F.2d 209, 211 (9th Cir. 1977) (“where  
24 legal advice of any kind is sought from a professional legal advisor in his capacity as  
25 such, communications relating to that purpose made in confidence by [a] client are, at his  
26 instance, permanently protected from disclosure by himself or by the legal advisor, unless  
27 protection is waived.”) The Court further finds that these emails are protected from  
28 disclosure by the work-product doctrine. *See* Fed. R. Civ. P. 26(b)(3)(A) (a qualified

1 immunity protects discovery of “documents and tangible things that are prepared in  
2 anticipation of litigation or for trial” by a party or his representative, absent a showing of  
3 special need by the requesting party.) These emails were prepared in anticipation of  
4 litigation. Further, the Court has no basis before it on which to find that a party has a  
5 special need for these documents, or that a waiver has occurred.

6 With regard to the fourth email chain, Bates numbered CaseySub000166, the  
7 Court finds that these emails are covered by the attorney-client privilege and the work-  
8 product doctrine. However, pursuant to the Court’s Order at Doc. 1094, the Court finds  
9 that the protections as to these emails have been waived because the emails relate to  
10 compliance with the Court’s Preliminary Injunction.

11 Accordingly, the Court concludes that the documents Bates numbered  
12 MELC1397334, MELC1397335, and MELC1397336 are protected from disclosure by  
13 the attorney-client privilege and the work-product doctrine, and those protections have  
14 not been waived. The document Bates numbered CaseySub000166 relates to compliance  
15 with the Court’s Preliminary Injunction and, therefore, any attorney-client or work-  
16 product protections as to that document have been waived.

17 Dated this 15th day of September, 2015.

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Honorable John Z. Boyle  
United States Magistrate Judge