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ADMITTED: USVI, NM & DC

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Charlotte Perrell, Esq.
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By Email Only

RE: Request for Rule 37 Conference re Privilege Log

Dear Attorney Perrell

I write regarding the Yusuf/United 'claims discovery RFA responses' served on May 15, 2018. It is Hamed's intention to file a motion to the Special Master. Pursuant to Rule 37.1, I request that you provide a time and date when you are available to discuss the bases of the proposed motion, and seek amendment to the Yusuf response.

Rule 26(b)(5) provides:

- (5) Claiming Privilege or Protecting Trial-Preparation Materials.
- (A) Information Withheld. When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material, **the party must:**
- (i) expressly make the claim; and
 - (ii) **describe the nature of the documents, communications, or tangible things not produced or disclosed** — and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim. (Emphasis added.)

The "Notes" to that section state:

Under rule 26(b)(5) any time a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material, the party must expressly state that it is withholding responsive information on that basis. Further, the rule

requires the creation of a "privilege log" that describes nature of the documents, communications, or tangible things not produced or disclosed — and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.

Hamed has repeatedly asked for your clients' privilege log.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl J. Hartmann", with a long horizontal flourish extending to the right.

Carl J. Hartmann