**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF BLUEWATER**

REGINALD HIGHTOWER,

Plaintiff, Case No.: 17-1174

vs. Honorable Judge Jack White

SHORTY’S WINDOW WASHERS LLC,

Defendant.

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**PLAINTIFF’S MEMORANDUM IN OPPOSITION TO DEFENDANT’S**

**MOTION TO COMPEL**

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**INTRODUCTION**

On or about January 18, 2018 Defendant served Plaintiff its First Set of Discovery Requests. Plaintiff responded to these requests on or about March 1, 2018. (See Plaintiff’s Responses to Defendant’s First Set of Discovery Requests, attached hereto as Exhibit 1). Request for Production No. 7 seeks documents evidencing correspondence between Plaintiff and any third party pertaining to the instant litigation. Request for Production No. 18 seeks any “notes, timelines, calendars or agendas prepared by Plaintiff or any third parties,” pertaining to the instant lawsuit. Defendant filed a motion to compel seeking documents alleged to be responsive to each said request. However, the alleged responsive documents are correspondence between Plaintiff and the undersigned’s paralegal, and a timeline prepared by the undersigned’s paralegal which includes the paralegal’s thoughts and opinions. As such, each requested document is protected from disclosure under the attorney-client privilege, and/or the work product doctrine.

**STATEMENT OF LAW AND ANALYSIS**

Federal Rule of Civil Procedure 37 gives this Court broad discretion to grant relief in a motion to compel discovery. *Joyce v. Rough*, 2008 Ohio 5633 (Ct. App., 6th Dist. 2008). In this case however, there is no need to compel discovery. Each requested document is protected from disclosure under the attorney-client privilege, and/or the work product doctrine.

**A. The Attorney-Client Privilege Extends to Attorney Agents, Including Paralegals.**

<<INSERT LAW AND ARGUMENT HERE EXPLAINING THAT THE A-C PRIVILEGE APPLIES TO PARALEGALS>>

**B. The Correspondence Between Plaintiff and the Undersigned’s Paralegal is Protected by the Attorney-Client Privilege**

<<INSERT LAW AND ARGUMENT HERE EXPLAINING THAT THE A-C PRIVILEGE COVERS THE CORRESPONDENCE BETWEEN THE CLIENT AND THE PARALEGAL>>

**C. The Work-Product Doctrine Extends to Attorney Agents, Including Paralegals**

<<INSERT LAW AND ARGUMENT HERE EXPLAINING THAT THE WORK-PRODUCT DOCTRINE APPLIES TO PARALEGALS>>

**D. The Timeline Prepared by the Undersigned’s Paralegal is Protected by the Work-Product Doctrine.**

<<INSERT LAW AND ARGUMENT HERE EXPLAINING THAT THE WORK-PRODUCT DOCTRINE COVERS THE TIMELINE>>

**CONCLUSION**

Each document requested by Defendant is protected from disclosure under the attorney-client privilege, and/or the work product doctrine. As such, Plaintiff requests this Honorable Court deny Defendant’s Motion to Compel in its entirety.

Respectfully submitted,

/s/ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Melinda DoGood

Attorney for Plaintiff

Dated:

**CERTIFICATION OF SERVICE**

I hereby certify that on DATE, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

\_\_\_/s/ \_\_\_\_\_\_\_

Melinda DoGood

Attorneys for Plaintiff