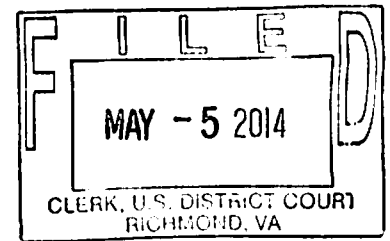


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DAWN PAGE, et al.,
Plaintiffs,

v. Civil Action No. 3:13cv678

VIRGINIA STATE BOARD OF
ELECTIONS, et al.,
Defendants.

MEMORANDUM ORDER

Having reviewed the claims of attorney-client privilege asserted as to documents that were presented for *in camera* review in a notebook entitled "Attorney-Client Privilege Documents of Third Party Christopher Marston" (the "Notebook"), it is hereby ORDERED that the Clerk shall file the Notebook under seal.

The presiding judge has annotated each proffered document as: (i) privileged (the annotation is "P-AC"); (ii) non privileged (the annotation is "NP"); and (iii) privileged in part (the annotation is "P-AC []," meaning that the bracketed part of the text of the document is privileged, and that the remaining text of the document that is not bracketed is not privileged). A numbered flag has been affixed to each document.

Attachment A hereto is a list specifying, by document number, the privilege determination for each document using the annotation codes set out above.

Documents annotated as privileged in whole or in part are quite clearly from their text: (1) a request for legal advice; or (2) the responsive legal advice; or (3) information substantively linked to a request for legal advice or the response. Many, indeed most, of the documents annotated as not privileged do not ask for or provide legal advice or do not contain information substantively related to such a request or response and thus are not protected by attorney-client privilege even though written or received by a lawyer. Many documents for which the privilege is asserted are scheduling documents or communications about when or where to schedule meetings, and such documents are not privileged. A number of documents found not to be privileged were intended for public dissemination, and under settled principles, are not privileged. Some documents are copies of complaints filed in court, and such documents are not privileged.

It is further ORDERED that counsel for Marston shall review the Notebook and, by 10:00 a.m. May 7, 2014, shall produce to counsel for plaintiffs copies of all documents in the Notebook except to the extent that they are designated as privileged.

It is so ORDERED.

/s/ *REP*
For the Court
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: May 5, 2014

**AMENDED
ATTACHMENT A
TO ORDER ON CLAIM OF
ATTORNEY-CLIENT PRIVILEGE**

P-AC	P-AC []	NP
1	4	3
2	8	3A
3C	9	3B
3D	10	3E-J
14	15-18	5-7
19-21	22	7A
39	29	7B
40	31	11-13
55	52	23-28
62		23A
62A		30
63-67		32-38
		40A
		41-51
		53-61
		67-68