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FILED
DEC 20 2002
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
Deputy Clerk

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ENTERED
DEC 20 2002
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
Deputy Clerk

18 Special Litigation Counsel for R. Todd Neilson,
19 Chapter 11 Trustee

20 UNITED STATES BANKRUPTCY COURT
21 CENTRAL DISTRICT OF CALIFORNIA
22 NORTHERN DIVISION

23 In re
24 REED E. SLATKIN,
25 Debtor.

26 CASE NO. ND 01-11549-RR
27 CHAPTER 11
28 A.P. NO. 02-01164

29 R. TODD NEILSON, Trustee of the
30 Chapter 11 Bankruptcy Estate of Reed E.
31 Slatkin,
32 Plaintiff,

33 [PROPOSED] PROTECTIVE ORDER

34 v.
35 WILLIAM W. and ANNE HUTCHINS,
36 individuals, and DOES 1-10,
37 Defendants.

Rapidly moving K and E legal team filed this motion at 5pm on Dec 19th and it was heard the following morning at 10am and signed on the 20th. Riblet complained the Moneymaker defense only had one reference.

38 ///

ORDER

1
2 The motion of plaintiff R. Todd Neilson ("Trustee"), chapter 11 trustee of the
3 bankruptcy estate of Reed E. Slatkin ("Slatkin"), for a protective order pursuant to Fed.
4 R. Civ. P. 26(c), applicable to this proceeding by Fed. R. Bankr. P. 7026 against
5 defendant ~~Linda Rosen ("Rosen")~~ ^{William and Anne Hutchins} came on for hearing set on an emergency basis on
6 December 19, 2002. Timothy B. Jafek appeared on behalf of the Trustee. Vincent
7 Moneymaker appeared on behalf of ~~Rosen~~ ^{the Hutchins}. All other appearances were stated on the
8 record. The Court, having considered all of the pleadings and the evidence before it,
9 hereby finds and directs as follows:

10 1. The transcripts of interviews of Reed Slatkin conducted by the Trustee's
11 attorneys on May 16 and 23, 2002 ("Slatkin transcripts") are protected by the attorney
12 work product rule.

13 2. The Trustee has not waived the protection of the attorney work product rule.

14 3. William Hutchins and his counsel are ORDERED to return all copies of the
15 Slatkin transcripts in their possession to the Trustee.

16 4. William Hutchins and his counsel are ORDERED to make all reasonable
17 efforts to recover all copies, whether in electronic, paper or other form, of the Slatkin
18 transcripts, in whosoever possession those copies may be, which were made from the
19 Slatkin transcripts William Hutchins obtained from Spherion Deposition Services and
20 to return those copies to the Trustee.

21 5. William Hutchins and his counsel are ORDERED to file with this Court by
22 no later than January ¹⁰ 3, 2003, a report stating what efforts they made to comply with
23 paragraph 4 of this Order.

24 6. The Clerk of this Court is ORDERED to STRIKE all papers filed with this
25 Court, whether by William Hutchins or any other party, which attach or quote the
26 Slatkin transcripts. Parties whose papers are stricken under this paragraph shall refile
27 their papers with no material changes apart from the removal of the material from the
28 Slatkin transcripts. The Trustee is ORDERED to inform the Clerk of the Court in

1 Court in writing within 48 hours of service on the Trustee of a filing which attaches or
2 quotes the Slatkin transcripts.

3 IT IS SO ORDERED.

4 Dated: Dec 20, 2002

Robin Riblet
Robin L. Riblet
United States Bankruptcy Court Judge

7
8 **Proposed by:**

9
10 KIRKLAND & ELLIS

11
12 By: [Signature]

13 Richard L. Wynne
14 R. Alexander Pilmer
15 Timothy B. Jafek
16 Special Litigation Counsel for Plaintiff
17 Todd Neilson, Chapter 11 Trustee

Judge stuck the provision authorizing the court clerk to remove any attachments or references to the document and make the defendants refile without any other changes. This would have the effect of the court personell changing defendants pleadings and overall would have been an expensive undertaking. As for now any attached references must in the Judge's words be "read around"
Overall a stunning win for the trustee. K and E denies that Reed's "sworn statements" have been used in their pleadings. This would break priviledge.