UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re

Case No. 6:07-bk-00761-ABB
Chapter 11

LOUIS J. PEARLMAN,

Debtor.
_____/

ORDER

This matter came before the Court on the Trustee's Motion Directed to Reca Rene Chamberlain Seeking to Compel Production of Documents and Compliance with Court Orders in Regard to Document Production (Doc. No. 768) filed by Soneet R. Kapila, the Chapter 11 Trustee herein ("Trustee"), and the Order to Show Cause entered against Reca Rene Chamberlain ("Chamberlain") on March 11, 2008 (Doc. No. 1130). Hearings were held on April 10, 2008 and May 8, 2008 at which counsel for the Trustee and Chamberlain appeared.

Chamberlain is an attorney who provided prepetition representation to Louis J. Pearlman ("Pearlman") and entities owned or controlled by Pearlman. The Trustee propounded document requests upon Chamberlain. She submitted to the Trustee a "Privilege Log of Reca Rena Chamberlain for 12 Emails and Documents Submitted Per Letter of Ralph C. Losey, Esq. on April 29, 2008." She asserts documents numbered 1, 2, 7, 8, and 9 are protected by the attorney-client privilege. She submitted to the Court documents numbered 1, 2, 7, 8, and 9 for *in camera* review accompanied by the Privilege Log and a cover letter stating: "All documents regard communications between attorneys representing the same client and thus are privileged communications in my opinion."

Chamberlain, as the party asserting the attorney-client privilege, must establish each element of the privilege to invoke it:

> (1) The asserted holder of the privilege is or sought to become a client; (2) the person to whom the communication was made (a) is (the) member of a bar of a court, or his subordinate and (b) in connection with this communication is acting as a lawyer; (3) the communication relates to a fact of which the attorney was informed (a) by his client (b) without the presence of strangers (c) for the purpose of securing primarily either (i) an opinion on law or (ii) legal services or (iii) assistance in some legal proceeding, and not (d) for the purpose of committing a crime or tort; and (4) the privilege has been (a) claimed and (b) not waived by the client.

U.S. v. Kelly, 569 F.2d 928, 938 (5th Cir. 1978). "The burden of proof is on the individual asserting the privilege to demonstrate an attorney-client relationship." Id. A blanket assertion of privilege is insufficient to establish the existence of the privilege. In re Grand Jury Subpoena, 831 F.2d 225, 228 (11th Cir. 1987).

Document 1 is an undated one-page letter from Mitchell L. van Balen to Chamberlain. Chamberlain has failed to establish each element of the privilege with respect to this letter.

Document 2 is a two-page email communication from Chamberlain (as "lawdoctor@email.com") to "reywal@usa.com" dated February 7, 2007. It is unclear whether a portion of the communication has been redacted. The communication references the inclusion of a letter from "German Bank," but no copy of such letter was provided. Chamberlain provided no explanation of who "reywal@usa.com" is and what relationship, if any, such person or entity has or had with Pearlman.

A second communication dated February 7, 2007 to Chamberlain from "Louis" is contained in Document 2 and references the attachment "DBFlundBPearlman.doc." No attachment was provided. The identity of "Louis" is unknown. Chamberlain has failed to establish Document 2 is protected by the privilege.

Document 7 is a one-page email communication from Louis August van Balen to Chamberlain dated February 28, 2007. Chamberlain has failed to establish this document is protected by the privilege.

Document 8 consists of a one-page email communication dated February 28, 2007 from Chamberlain addressed to "Louis" and delivered to "info@germansavings.eu" and "inaroswina@yahoo.com." It is unknown who "info@germansavings.eu" and "inaroswina@yahoo.com" are and what relationship, if any, they had or have with Pearlman. The remaining two pages appear to be a duplicate of Document 7. Chamberlain has failed to establish this document is protected by the privilege.

Document 9 consists of a one-page document on "Global Media Legal Consultancy" letterhead titled "Contract for Legal/Attorney's Service" and executed by someone designated as "For GMLC: M.L. van Balen" on March 1, 2007 (the date on which the involuntary petition was filed against Pearlman). The signature line for "Louis J. Pearlman" is blank. Chamberlain did not establish this document was presented to Pearlman and constitutes a communication. She has failed to establish this document is protected by the privilege.

Chamberlain set forth in the Privilege Log it is "unknown" what persons received copies of Documents 1, 2, 7, 8, and 9.

Chamberlain has failed to establish Documents 1, 2, 7, 8, and 9 are protected by the attorney-client privilege. In re Grand Jury Subpoena, 831 F.2d 225, 228 (11th Cir. 1987); U.S. v. Kelly, 569 F.2d 928, 938 (5th Cir. 1978). The documents are subject to turnover to the Trustee and the Court will release said documents to the Trustee.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that such documents shall be released to the Trustee within ten (10) days of the entry of this Order.

Dated this 10th day of June, 2008.

/s/Aurthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge