

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:07-bk-00761-ABB
Chapter 11
(Jointly Administered)

LOUIS J. PEARLMAN, et al.,

Debtors.

ORDER

This matter came before the Court on the Trustee's Motion Directed to Recca 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 ("Trustee"), and the Order to Show Cause entered against Recca Rene Chamberlain ("Chamberlain") on March 11, 2008 (Doc. No. 1130).

Chamberlain provided prepetition representation to Louis J. Pearlman ("Pearlman") and entities owned or controlled by Pearlman. She was directed to submit to the Court for *in camera* review the attachments to an email transmission dated November 8, 2006 from Michael Gay with Foley & Lardner LLP to lawdoctor@email.com, which she claimed as attorney-client and work product privileged in her privilege log and described as "copy of email and documents attached."

Chamberlain submitted to the Court a two-page cover letter dated April 21, 2008 and four pages of alleged privileged correspondence. Included in the four-page submission is a one-page letter from Pearlman to R. Scott Shuker dated March 16, 2007. The letter was previously reviewed by the Court *in camera* and determined not to be protected by the attorney-client or work product privileges. The letter was turned over to the Trustee.

Three pages relate to web-based printouts of email correspondence between Michael Gay, Chamberlain (as lawdoctor@email.com), and Pamela Heath. The one-page email dated November 8, 2006 was

previously submitted to the Court for *in camera* review and determined to not be protected by the work product or attorney-client privileges. The email was turned over to the Trustee.

The remaining two pages contain no substantive communications and appear to relate to a forwarded email communication from Michael Gay to Chamberlain on April 14, 2008. Chamberlain provided no information regarding the context of the email communication or any basis for her work-product and attorney-client privilege claims. Chamberlain has failed to establish the pages are protected by the attorney-client or work product privileges. *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); *Auto Owners Ins. Co. v. Totaltape, Inc.*, 135 F.R.D. 199, 201 (M.D. Fla. 1990).

The email communication is subject to turnover to the Trustee and the Court will release the 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 1st day of May, 2008.

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