

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JOHN JACK, et al.,**

**Plaintiffs,**

**v.**

**Civil Action 2:16-cv-633  
Judge Alegnon L. Marbley  
Magistrate Judge Jolson**

**SOUTH PARK VENTURES  
LLC, et al.,**

**Defendants.**

**ORDER**

This matter came before the Court for a status conference on December 13, 2017, regarding Plaintiffs' pending Motion to Compel interested parties Jeff Harper, K&H Partners, LLC, and Central Environmental Services, LLC to produce documents responsive to Plaintiff's subpoena, that were being withheld based on confidentiality concerns. (Doc. 62). In Jeff Harper, K&H Partners, LLC, and Central Environmental Services, LLC's (collectively, "the Interested Parties") Response in Opposition, counsel explained it had no objection to producing the responsive documents at issue, but felt that doing so would violate a confidentiality agreement the Interested Parties may have signed with either Defendant Dean Grose or one of his companies, Comtech Industries. (Doc. 66). During the conference, however, defense counsel represented that no such written confidentiality agreement existed.

In light of this representation, the Interested Parties stated that they did not believe the remaining responsive documents were confidential, and were willing to produce the documents to Plaintiffs. Defendants, on the other hand, argued during the conference and in their Response in Opposition (Doc. 67), that the documents at issue contain confidential business records.

In light of these competing viewpoints, and consistent with discussions during the conference, the Interested Parties are **DIRECTED** to produce the responsive documents at issue with the designation of “Attorney’s Eyes Only.” If, after the production of documents, Plaintiffs would like to challenge the designation of certain documents, they are **DIRECTED** to meet and confer with Defendants in an effort to resolve the issue extrajudicially. If no resolution can be reached, Plaintiffs may file a notice on the docket stating as much, and submit the documents at issue to the undersigned via email (jolson\_chambers@ohsd.uscourts.gov) for *in camera* review.

Accordingly, Plaintiff’s Motion to Compel (Doc. 63) is **GRANTED in part**, in that all documents responsive to Plaintiff’s subpoena to the Interested Parties must be produced, albeit with an “Attorney’s Eyes Only” designation.

IT IS SO ORDERED.

Date: December 13, 2017

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE