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6 *Of Attorneys for Defendant,*
Seabold Construction Company, Inc.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

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FOR THE COUNTY OF WASHINGTON

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LIBERTY SURPLUS INSURANCE)
12 CORPORATION and LIBERTY)
INSURANCE UNDERWRITERS, INC.,)

Case No. C134712CV

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Plaintiffs,)

[PROPOSED] ORDER ON
DEFENDANT SEABOLD
CONSTRUCTION COMPANY,
INC.'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS

14

v.)

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SEABOLD CONSTRUCTION COMPANY,)
16 INC.)

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Defendants.)

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19 This matter having come before the Court on Defendant Seabold Construction
20 Company, Inc.'s Motion to Compel Production of Documents, and the Court having heard
21 argument on the matter and having reviewed all pleadings filed in support of the Motion and in
22 opposition thereto, with attachments and exhibits, and the Court being fully advised in the
23 premises, it is HEREBY ORDERED that Defendant Seabold Construction Company, Inc.'s
24 Motion to Compel Production of Documents is hereby GRANTED.

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1 Specifically, Plaintiffs Liberty Surplus Insurance Corporation and Liberty Insurance
2 Underwriters, Inc. ("Liberty") shall, on or before January 9, 2015:

3 1. Produce all documents in Liberty's custody or control, including documents
4 possessed by Liberty's attorneys, relating to communications authored, made, issued, received,
5 shared, or reviewed by, or exchanged between, Liberty and attorney Joseph DeHope
6 ("DeHope") relating to *Laurel Parc at Bethany, LLC, et al. v. Seabold Construction Company,*
7 *Inc.* ("Underlying Lawsuit") prior to June 29, 2013, the date Liberty commenced this
8 declaratory judgment action;

9 2. Produce all documents in Liberty's custody or control, including documents
10 possessed by Liberty's attorneys, authored, made, generated, issued, received, shared, or
11 reviewed by, or exchanged between, Liberty and Joseph DeHope prior to June 29, 2013,
12 relating to the Underlying Lawsuit;

13 3. Produce all documents, including all communications, in Liberty's custody or
14 control, including documents possessed by Liberty's attorneys, authored, made, generated,
15 issued, received, shared, or reviewed by, or exchanged between or among, Liberty adjusters
16 Evan Stoller ("Stoller"), Colleen Lyons ("Lyons"), Heath Urban ("Urban"), "Liberty" (as listed
17 on Liberty's privilege log), "Super User" (as listed on Liberty's privilege log), and any other
18 Liberty representative touching upon Seabold's defense after May 11, 2010 and prior to June
19 29, 2013, relating to the Underlying Lawsuit;

20 4. Produce the claim file in its entirety without redaction of any entry made prior to
21 June 29, 2013;

22 5. Produce all remaining responsive non-privileged documents in Liberty's custody
23 or control, including documents possessed by Liberty's attorneys, relating to the Underlying
24 Claims against Seabold; and

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1 6. Produce to the Court for *in camera* review all documents, including all
2 communications, described in (1) through (4), above, which documents and communications
3 were generated on or after June 29, 2013.

4 IT IS FURTHER ORDERED that Defendant shall file a motion with the Court stating
5 the bases upon which it believes discoverable information exists in documents generated on or
6 after June 29, 2013. Based upon that motion and the bases stated therein, the Court will
7 conduct an *in camera* examination of documents produced pursuant to (6), above, to determine
8 whether they are properly withheld on the basis of privilege or whether they must be produced.

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ORDERED this 2 day of Jan., 2015.



Hon. Judge D. Charles Bailey

SUBMITTED BY
PARSONS FARNELL & GREIN, LLP

By: 

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