

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

Administrative Proceedings Rulings
Release No. 6574 / May 14, 2019

Administrative Proceeding
File No. 3-15124

In the Matter of

**David F. Bandimere and
John O. Young**

**Order Concerning Division
Production of Documents**

Respondent David F. Bandimere has subpoenaed the notes taken by counsel for the Division of Enforcement during witness interviews. The parties disagree about the extent to which the work-product doctrine protects the notes from production. However, the Division has agreed to produce the factual portion of the notes, on the condition that the production will not be deemed a waiver of any privilege or protection. The parties agree to the following three points.

1. The production of privileged or work-product protected documents, electronically stored information (“ESI”) or information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

2. Nothing contained herein is intended to or shall serve to limit a party’s right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

3. Nothing contained herein is intended to or shall serve to limit a party's right to challenge claims of privilege or work product asserted to withhold documents or ESI.

James E. Grimes
Administrative Law Judge