

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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*In the Matter of Search Warrants Executed on
April 9, 2018*
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USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5/24/18</u>

MICHAEL D. COHEN,

Plaintiff,

-against-

18-MJ-3161 (KMW)

ORDER

UNITED STATES OF AMERICA,

Defendant.

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KIMBA M. WOOD, United States District Judge:

Mr. Gleason has moved for a protective order over purportedly privileged information that Mr. Gleason states he has disclosed to Mr. Cohen “in furtherance of [Mr. Gleason]’s role as an attorney investigating a potential claim and or representing clients.” (ECF No. 51, at 5–6.) Mr. Gleason appears to be arguing that the “common interest” exception to waiver of the attorney-client privilege should apply to those disclosures. However, Mr. Gleason’s submission does not allege facts that meet the test for a finding of “common interest,” which requires that the parties and their respective counsel have decided upon and undertaken a “joint defense effort or strategy.” *See Schaeffler v. United States*, 806 F.3d 34, 40 (2d Cir. 2015).

Accordingly, Mr. Gleason’s motion is DENIED.

SO ORDERED.

Dated: New York, New York
May 24, 2018

Kimba M. Wood
KIMBA M. WOOD
United States District Judge