

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID HAKA,

Plaintiff,

v.

LINCOLN COUNTY and
LINCOLN COUNTY BOARD OF EXAMINERS,

Defendants.

ORDER

06-C-594-C

Before the court for in camera privilege review is a November 1, 2005 email from Lincoln County's corporate counsel Nancy Bergstrom to the county board's outside counsel, John Mulder, supported by Bergstrom's November 9, 2007 affidavit. Having read the withheld e-mail (denominated PRIV 2490 by defendants), I find that this communication qualifies for protection under the attorney work product doctrine, *see* F.R. Civ. Pro. 26(b)(3) (either version), and under the attorney-client privilege, *see, e.g., Rehling v. City of Chicago* 207 F.3d 1009, 1019 (7th Cir. 2000). In her e-mail Bergstrom confidentially reported facts to Mulder in his capacity as the county's outside counsel, expecting to obtain an opinion (and perhaps action) from Mulder on behalf of the board. Therefore, plaintiff is not entitled to disclosure of this e-mail.

Entered this 4th day of December, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge