

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

NATIONAL RIFLE ASSOCIATION OF AMERICA,)

Plaintiff,)

v.)

ACKERMAN MCQUEEN, INC.,)

and)

MERCURY GROUP, INC.,)

Defendants.)

**Case Nos. CL19001757
CL19002067
CL19002886**

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS'
MOTION TO COMPEL PRODUCTION OF THIRD-PARTY DOCUMENTS**

On November 13, 2019, this matter came before the Court for hearing on the Defendants' Motion to Compel Production of Third-Party Documents. After reviewing the motion, the Plaintiff's opposition, and hearing argument from the parties, the Court GRANTS the motion in part as to fact work product prepared by third-party Forensic Risk Alliance ("FRA") and DENIES the motion in part as to attorney-client privileged matter and work product material containing the mental impressions, conclusions, analyses, opinions, or legal theories prepared by or for the NRA or FRA, or by or for a representative of the NRA or FRA, as prescribed under Va. Sup. Ct. R. 4:1(b)(3) ("opinion work product").

It is hereby ORDERED that third-party Forensic Risk Alliance shall produce to Defendants all non-privileged and fact work product materials on its privilege log previously withheld on the basis of the protections of the work product doctrine by December 23, 2019. All materials withheld or redacted on the basis of attorney-client privilege or opinion work product shall not be produced at this time.


It is FURTHER ORDERED that the Court's denial of the motion to compel the production of documents that are subject to the protections of the attorney-client privilege and opinion work product doctrine shall be without prejudice to further consideration, if necessary.

It is FURTHER ORDERED that Forensic Risk Alliance shall provide an updated and supplemented privilege log, if necessary.

So Ordered this 11 day of December 2019.



Circuit Court Judge

SEEN and objected to with respect to any limitation of fact work product to be produced and with respect to extending opinion work product beyond 4:1(b)(3) to include, for example, impressions articulated by a testifying fact witness about the audit. With reservation of right to review the actual production and, if necessary, bring the matter back before the Court.


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SEEN AND OBJECTED TO on the basis that the records of Forensic Risk Alliance ("FRA") listed on FRA's privilege log are protected by the attorney-client privilege and work product doctrine. The NRA and FRA have not put the materials claimed as privileged or subject to the work product doctrine at issue in this case. Further, Defendants have not demonstrated substantial need for the materials or that they are unable without undue hardship to obtain the substantial equivalent of the materials by other means:


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