



London Luxury LLC v. Walmart Inc.

2024 | Cited 0 times | W.D. Arkansas | April 3, 2024

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF ARKANSAS

FAYETTEVILLE DIVISION LONDON LUXURY, LLC PLAINTIFF/COUNTER-DEFENDANT V.
CASE NO. 5:22-CV-5059 WALMART, INC. DEFENDANT/COUNTER-PLAINTIFF

ORDER NUMBER TEN REGARDING WALMART'S PRIVILEGE LOG At 12:04 AM Tuesday, April 2, 2024, Walmart's counsel emailed the Court and opposing counsel to recap Walmart's April 1 document production for in camera review. 1 This email noted two April 1 submissions—158 documents at 11:29 AM and 564 documents at 3:47 PM. On Tuesday morning, the Court confirmed on the record that it never received notification of the 3:47 PM production of 564 documents. The Court discovered that these documents totaled nearly 3,000 pages—nearly all of which were designated as having been withheld in full. In the afternoon, the Court went on the record with counsel and instructed Walmart to re-review the 3:47 PM production for improperly withheld documents and resubmit the remainder to the Court. On Tuesday evening, the Court received 69 still-withheld documents from Walmart, totaling approximately 300 pages. Walmart emailed the Court explaining that all other documents had been produced to London Luxury earlier in the day after being identified as previously produced, duplicative, or otherwise improperly designated as privileged. 2

The Court has conducted a full review of the 69 documents and finds that all have been properly withheld as privileged, minus the following exceptions:

1 Walmart's email is attached as an exhibit to this Order. 2 The exhibit also includes this email from Walmart.

WM02419869 and WM02432573: Walmart must produce the emails prior to

Bart McLeary joining the email thread on October 21, 2021, at 9:01 AM. The remainder of the document has been properly withheld. WM00005146, WM00021658, and WM00284795: Walmart must produce the

email from Mr. Small to Ms. Vasser, dated October 25, 2021, at 11:50 PM. The remainder of the document is either duplicative or privileged. WM00031930 and WM00312913: Walmart must produce



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the email from Mr.

Small to Ms. Vasser, dated November 2, 2021, at 5:01 PM and the email from Ms. Vasser to Mr. Small dated November 2 at 5:03 PM. Walmart is not required to produce the remainder of the documents. WM00005403 and WM00312901: Walmart must produce Mr. Small's email to

Ms. Barber and Mr. Hurd dated April 14, 2021, at 3:17 PM and Mr. Small's email to Ms. Vasser dated November 3, 2021, at 7:24:34 PM. The remainder of the documents need not be produced. WM00286300: Walmart must produce Ms. Phillips's email to Mr. Hurd dated

December 16, 2021, at 2:58:04 PM and Mr. Hurd's email to Ms. Phillips dated December 16, 2021, at 12:03 PM. The remainder of the document may remain withheld. WM00929513: Walmart must produce Mr. Small's email to Ms. Roberts and

Mr. Hurd dated November 12, 2021, at 22:09 and Mr. Hurd's email to Ms. Phillips dated November 12, 2021, at 4:11 PM. Walmart need not produce the remainder of the document. IT IS THEREFORE ORDERED that Walmart immediately produce the specified portions of the listed documents to London Luxury immediately. The remainder of the documents submitted for today's inspection are deemed to have been permissibly withheld.

IT IS SO ORDERED on this 3rd day of April, 2024.

_____ TIMOTHY L. BROOKS UNITED STATES DISTRICT JUDGE

