IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

REGINALD EDWIN BOSSIER **PLAINTIFF**

VERSUS **CIVIL ACTION NO. 1:08cv408-LTS-RHW**

STATE FARM FIRE AND CASUALTY COMPANY **DEFENDANT**

ORDER

Before the Court is [75] Plaintiff's motion for order to show cause why it should not be held in contempt for failure to comply with a court order, complaining that Defendant failed to produce all the emails withheld under claim of privilege for *in camera* review as required by [59] the Court's order of June 5, 2009. Defendant responds [96] that the latter emails were inadvertently left out of its first *in camera* submission and that it promptly acknowledged its mistake, that it submitted the omitted emails for review and has produced the emails ordered by the Court in the August 10, 2009 order.

The same day Plaintiff filed this motion, Defendant submitted to the Court the missing 52 pages of documents, approximately 60% of which were duplicates of the previously reviewed documents and multiple copies of the newly submitted documents. The Court promptly reviewed the documents and entered its order regarding them on August 10, 2009 [94] , ordering production of 14 documents which were not duplicates or multiple copies. In short, before Defendant's time to respond to the instant motion expired,[1] State Farm had submitted the

[1]The motion was filed August 3, 2009. Under the Rules, State Farm had 10 business days plus three additional days for service to respond, which made response to the motion due by August 20, 2009. Rule 6, *Fed. R. Civ. P.*; Local Rule 7.2(C), *Uniform Local Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi*.

remaining documents for review, the Court had reviewed them and entered an order on them, and State Farm had produced the 14 documents the Court found not privileged.

The Court finds Plaintiff's request that State Farm be held in contempt or otherwise sanctioned for inadvertently failing to produce all the documents for *in camera* inspection at the same time is not well-taken and should be denied. It is therefore,

SO ORDERED, this the 11th day of September, 2009.

/s/ *Robert H. Walker*
ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE