

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

RX SAVINGS, LLC, et al., )  
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)  
Plaintiffs, )  
)  
v. ) Case No. 19-2439-DDC  
)  
DOUGLAS BESCH, et al., )  
)  
)  
Defendants. )

**ORDER**

In their July 23, 2020 motion to compel, defendants raised the applicability of attorney-client privilege over five e-mails on plaintiffs’ privilege log.<sup>1</sup> On August 28, 2020, in an order ruling on the motion to compel, the court directed plaintiffs to produce the e-mails for *in camera* review.<sup>2</sup> Plaintiffs did so today. The e-mails are labeled CTRL00003987, CTRL00004665, CTRL00005105, CTRL0005792, and CTRL00006065.

The court’s prior order analyzed and applied attorney-client privilege to eight e-mails between and among Dan Henry, Michael Rea, and Brandy Rea. After reviewing the content of these additional e-mails, the court finds the same privilege applies here. These e-mails similarly discuss the form and substance of the Unit Purchase Agreements that defendant Douglas Besch entered into in 2017. The substance of the e-mails constitutes

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<sup>1</sup> ECF No. 128.

<sup>2</sup> ECF No. 152.

legal advice among the company's legal counsel and the company's board managers regarding the transactions. The court therefore agrees with plaintiffs that attorney-client privilege applies and will not direct plaintiffs to produce these five e-mails.

Dated August 31, 2020, in Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge