Docket #0490 Date Filed: 3/8/2024

CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 8, 2024

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re: NORTHWEST SENIOR HOUSING CORPORATION, *et al*.[1] Debtors.	Chapter 11 Case No. 22-30659 (MVL)
Leif M. Clark, Trustee of the Edgemere Litigation Trust Plaintiff, v. Intercity Investment Properties, Inc. and Kong Capital, LLC, Defendants.	Adv. No. 22-03040 (MVL)

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO COMPEL PRODUCTION BY PLAINTIFF

This matter came before the Court on Defendants' Motion to Compel Production by Plaintiff (the "**Motion**")[Dkt. No. 362]. The Court held a hearing on November 29, 2023, after which time the Court

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are Northwest Senior Housing Corporation (1278) and Senior Quality Lifestyles Corporation (2669). The Debtors' mailing address is 8523 Thackery Street, Dallas, Texas 75225.

reviewed fifty sample documents *in camera* relating to the "no-counsel" issue, identified by Tabs 1-50. The Court, having reviewed the pleadings on file, heard oral argument, and performed an *in camera* review of the documents, gave an oral bench ruling on December 14, 2023, which is incorporated herein by reference. The Court is of the opinion that the Motion should be granted in part and denied in part as set forth below.

IT IS HEREBY ORDERED THAT

TAB	DOCUMENT ID	RULING
1	Edgemere064914	Sustained
2	1030717	Sustained
3	610355	Sustained
4	205792	Sustained
5	110599	Sustained
6	181584	Sustained
7	551241	Sustained
8	189815	Sustained
9	431948	Sustained
10	433593	Sustained
11	193623	Sustained
12	103014	Sustained
13	399601	Sustained
14	402348	Sustained
15	78483	Sustained
16	199963	Sustained
17	553160	Sustained
18	733026	
19		
20	436923	Sustained
21	78145	Sustained
22	746626	Sustained
23	71926	Sustained
24	175130	Sustained
25	206908	Sustained
26	182614	Sustained
27	510661	Overruled
28	253903	Sustained
29	255410	Overruled
30	663059	Overruled in Part
31	189387	Sustained
32	149217	Sustained
33	460062	Sustained
34	349883	Overruled
35	337063	Overruled
36	2048387	Sustained

37	2049327	Sustained
38	538682	Sustained
39	538733	Sustained
40	538750	Sustained
41	106945	Sustained
42	43363	Sustained
43	96428	Sustained
44	470709	Sustained
45	2425300	Sustained
46	504709	Sustained
47	219627	Sustained
48	Edgemere065044	Overruled
49	272975	Sustained
50	459725	Overruled in Part

1. The following documents are not considered privileged, and the privilege assertions are hereby overruled: Tabs 27, 29, 30, 34-35, 48, and 50.

2. The documents identified in Tabs 30 and 50 are not considered privileged, with the exception of any reference to other properties. Those portions may be redacted by Plaintiff.

3. With respect to Tabs 18-19, the Court requires more information related to the context of these documents prior to issuing its ruling. Plaintiff is ordered to submit such information to the Court within ten (10) days of the date of the entry of this Order.

4. For all other documents that were submitted *in camera* (Tabs 1-26, 28, 31-33, 36-47, and 49), the privilege assertions are sustained, and the documents are considered privileged.

5. The *in camera* review discussed in this Order addresses a sampling of the documents at issue in the Motion. With the guidance provided at the hearing and during the bench ruling, Plaintiff is directed, within ten (10) days following the entry of this Order, to further review its privilege assertions as to the other documents at issue in the Motion and: (a) produce those documents, if any, that its further review shows are not privileged; and (b) provide to Defendants an amended and restated privilege log. Any further disputes shall require further conference and motion practice.

END OF ORDER # #