COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
22ND JUDICIAL CIRCUIT
DIVISION 3

AMERICAN SADDLEBRED HORSE ASSOCIATION, INC., **Plaintiff** **v.** **EDWARD R. BENNETT, et al.** **Defendants**	**Case No. 09-CI-05292** **POST-HEARING MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO HOLD ASHA IN CONTEMPT OF COURT AND TO SANCTION ASHA FOR ITS CONDUCT**

I. INTRODUCTION

On September 22, 2011, Defendants ("Members") filed their motion to hold American Saddlebred Horse Association ("ASHA") in contempt of court and to sanction ASHA for its conduct ("Contempt Motion"). ASHA filed its response to the Contempt Motion on September 29, 2011. The Court held an evidentiary hearing on October 14, 2011. At the conclusion of the hearing, the Court set a briefing schedule as follows:

- October 21, 2011 – Members' Memorandum due
- October 28, 2011 – ASHA's Response due
- November 4, 2011 – Members' Reply due

The Court directed the parties to include in their briefs (1) the burden of proof required for the Court to sustain the Members' motion, (2) proposed findings of fact and conclusions of law, (3) remedies that are appropriate for the Court to consider and (4) supplemental matters relating to the Contempt Motion.

II. BURDEN OF PROOF FOR CIVIL CONTEMPT

In 2010, the Kentucky Court of Appeals confirmed that:

> A trial court has inherent power to punish individuals for contempt, and nearly unfettered discretion in issuing contempt citations. We will reverse a finding of contempt only if the trial court abused its discretion in imposing the sentence. Abuse of discretion is defined as conduct by a court that is arbitrary, unreasonable, unfair, or unsupported by sound legal principles.
>
> Contempt is the **willful disobedience of—or open disrespect for—the rules or orders of a court.** Contempt may be either civil or criminal, depending upon the reason for the contempt citation. Civil contempt, the focus of this appeal, is the failure to do something under order of court, generally for the benefit of a party litigant. Thus, courts have inherent power to impose a sanction for a civil contempt to enforce compliance with their lawful orders.

Kentucky Retirement Systems v. Foster, 338 S.W.3d 788, 800-01 (Ky. App. 2010) (quoting *Crowder v. Rearden*, 296 S.W.3d 445, 450 (Ky. App. 2009) (emphasis added)). "The purpose of a court's exercising its civil contempt powers is to force compliance with its orders or to compensate for losses or damages caused by noncompliance. . . ." *Id.* Here, the Members seek an order that will both force ASHA to comply with the Court's orders and rules regarding record retention and production and compensate the Members for the damages caused by ASHA's willful destruction of records.

Civil contempt does not have to be established beyond a reasonable doubt. That standard applies only to criminal contempt. *See Kentucky River Community Care, Inc. v. Stallard*, 294 S.W.3d 29, 32 (Ky. App. 2008) (*citing Commonwealth v. Burge*, 947 S.W.2d 805, 808 (Ky. 1996)); *see also Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 827 (1994) ("Neither a jury trial nor proof beyond a reasonable doubt is required [for civil contempt]."). The Members are not asking this Court to hold ASHA in criminal contempt, but rather, civil contempt.

The majority of jurisdictions hold that "[e]lements of civil contempt usually must be proven by clear and convincing evidence." 17 Am. Jur. 2d Contempt § 183 (2004). However, a minority of state courts "hold that the complaining party merely has the burden of proving by a preponderance of the evidence that a party violated a court order." *Id.* (citing *Chrysczanavicz v. Chrysczanavicz*, 796 A.2s 366 (Pa. Super 2002)). Kentucky courts have not made clear the applicable standard of proof for civil contempt. However, even assuming that the slightly higher "clear and convincing" standard applies, the Members have met their burden. In fact, ASHA has admitted it destroyed electronically stored information, computer hard drives and records maintained on backup servers during the pendency of this litigation despite ASHA's understanding that all of its records were at issue.

III. ARGUMENT[1]

A. ASHA Had A Duty To Preserve All Records Under The Rules Of This And All Kentucky Courts

Kentucky courts have established a clear rule regarding the preservation of evidence: Parties have a duty to preserve any and all potentially relevant evidence (1) during pending litigation, *Tinsley v. Jackson*, 771 S.W.2d 331 (Ky. 1989), and (2) if an attorney reasonably can expect that an adversary will be seeking all or portions of the potentially relevant evidence, *Sanborn v. Commonwealth*, 754 S.W.2d 534 (Ky. 1988). Recognizing this well-established rule, ASHA adopted a Document Retention and Destruction Policy on July 6, 2009, which states that "[d]ocument destruction will be suspended immediately upon any indication of an official investigation or when a lawsuit is filed or appears imminent."[2] That policy confirms that it

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1 Proposed Findings of Fact and Conclusions of Law are attached as Exhibit 1.

2 ASHA's Document Retention and Destruction Policy, Section VI, attached to the Contempt Motion, Ex. 2.

"covers all records and documents, regardless of physical form (including electronic documents) . . . ."[3]

All of ASHA's records were potentially relevant in this case and should have been preserved. Indeed, ASHA's records were the subject matter of this litigation. The sole issue presented here was whether a Kentucky statute requires ASHA, a Kentucky non-profit corporation, to produce all of its records for inspection by its members. From the outset of this litigation, ASHA made clear that it understood that all of its records would be subject to inspection by its members under KRS § 273.233 unless it could convince this Court otherwise.[4] In its summary judgment brief, ASHA confirmed its understanding that all of its records were at issue in this litigation.[5] Accordingly, ASHA had a duty to preserve all of its records under Kentucky courts' well-established record retention rules.

Counsel for ASHA stated, in writing, that they "advised ASHA's directors, officers, managers, and employees . . . to preserve all relevant documents for purposes of this litigation."[6] Nonetheless, ASHA's bookkeeper, Joan Jones, and IT director, Will Wood, testified that they were not advised of ASHA's obligations to preserve records.[7] Regardless, ASHA cannot avoid its obligation to preserve records even if its counsel failed to advise it of the obligation. *See, e.g., Yu Chen v. LW Restaurant, Inc.*, No. 10 CV 200(ARR), 2011 WL 3420433, at *11 (E.D.N.Y.

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3 *Id.* at Section I (parenthetical in original).

4 *See* ASHA's Complaint, Prayer for Relief ¶ 2.

5 *See* ASHA's Memorandum in Support of Its Motion for Summary Judgment, at pp. 1, 17 and 22.

6 See June 25, 2011 letter from Adamson to Houston, attached to Contempt Motion at Ex. 1.

7 Testimony of Joan Jones, VR: 10/14/11; 14:52:00 – 14:54:35; Testimony of Will Wood, VR 10/14/11; 16:17:45 – 16:19:30.

Aug. 3, 2011) ("[D]efendants themselves are equally responsible for failing to maintain the disk in a secure fashion, even if not properly instructed by counsel.").

B. ASHA Failed To Preserve Its Records, And In Fact Destroyed Records, During This Litigation

In direct contravention of the rule of law and ASHA's own document retention policy, ASHA destroyed records during this litigation. In its Response to the Contempt Motion, ASHA confirmed that, despite the ongoing litigation regarding the Members' right to inspect ASHA's records, ASHA's highest ranking employee, Alan Balch, printed what he deemed to be the "important" electronic records created or received by him via his corporate email account and then deleted the electronic records.[8] Mr. Wood testified that ASHA was unable to produce for inspection a disk containing Mr. Balch's email because all of Mr. Balch's email had been deleted.[9] Mr. Wood also testified that, after ASHA filed this lawsuit, ASHA sent one of the computers used by Mr. Balch ("Mr. Balch's First Computer") to a recycling company.[10] In fact, ASHA admitted in its response to the Contempt Motion that "[f]ollowing Mr. Balch's departure [in February 2009], the various components of Mr. Balch's computer system were recycled at a computer parts recycling center. . . ."[11] Of course, that action prevents recovery of the emails Mr. Balch deleted from that computer. Upon Mr. Balch's termination of employment with ASHA in February 2009, ASHA transferred all records that Mr. Balch did not delete from his

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8 ASHA's Response to Contempt Motion, p. 5.

9 Testimony of Will Wood, VR 10/14/11; 15:26:30 – 15:28:10.

10 Testimony of Will Wood, VR 10/14/11; 15:28:00 – 15:29:20. ASHA's counsel advised counsel for the Members of the recycling of Mr. Balch's First Computer only after a final judgment was entered in this case. *See* August 17, 2011 letter from Streepey to Houston attached to the Contempt Motion at Ex. 3. ASHA failed to inform the members that a second computer even existed, much less was "wiped clean" until the evidentiary hearing.

11 ASHA's response to Contempt Motion, p. 6.

next computer ("Mr. Balch's Second Computer") to a server.[12] Mr. Wood further testified that, despite being the highest ranking employee at ASHA, the only electronic records remaining on Mr. Balch's computer when he resigned were various photographs and a copy of a book regarding Santa Anita.[13] Instead of preserving Mr. Balch's Second Computer to determine if any of the records he deleted could be recovered, ASHA "wiped [it] clean" and redistributed it to another ASHA employee.[14]

ASHA's destruction of records was not limited to Mr. Balch's email. ASHA also failed to preserve records maintained on backup copies of a server and a database that ASHA created approximately two weeks before it filed this lawsuit.[15] Those backups would have contained copies of ASHA's records that existed as of September 2009.[16] If ASHA had preserved that backup server as required, copies of records which existed in September 2009 could have been recovered despite Mr. Balch's deletion of them from his computer.[17]

By letter dated August 17, 2011, ASHA also admitted that Mr. Balch's replacement and current executive director, Paula Johnson, also destroyed electronically stored information.[18] Ms. Johnson, an attorney licensed in Kentucky, printed selected portions of her email for inspection by the Members and then deleted her email.[19] ASHA did not offer any testimony,

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12 Testimony of Will Wood, VR 10/14/11; 16:07:15 – 16:11:18.

13 *Id.*

14 *Id.*

15 Testimony of Will Wood, VR 10/14/11; 16:15:08 – 16:24:10; *see also* ASHA's response to Contempt Motion, p. 7.

16 Testimony of Will Wood, VR 10/14/11; 16:15:08 – 16:24:10.

17 *Id.*

18 August 17, 2011 letter from Streepey to Houston, attached to the Contempt Motion at Ex. 3.

19 *Id*; *see also* ASHA's response to Contempt Motion, p. 4.

during the evidentiary hearing or otherwise, which would contradict ASHA's representations to the Members and this Court that Ms. Johnson deleted electronically stored information. Nor did ASHA offer any evidence which would condone such conduct by any ASHA employee, much less its highest ranking employees.

C. ASHA Is Subject To Civil Contempt For Its Conduct

"Generally, the destruction, removal, concealment, or disposal of the subject matter of the litigation is a contempt of the court before which a suit is pending." 17 C.J.S., Contempt § 43 (2011). Without a doubt, the "subject-matter" of this litigation was ASHA's records; ASHA filed this lawsuit with the sole issue being whether ASHA would ultimately be required to produce its records for inspection by the Members. Through its conduct, ASHA made certain that the Members would not be permitted to inspect electronic records created and received by its highest ranking employees regardless of how this Court ruled on the merits. ASHA exhibited a willful disobedience of its obligation to preserve records relating to ongoing litigation under Kentucky law. It also shows open disrespect for this Court's ultimate ruling on the merits and the overall administration of justice.

This Court has the inherent authority to sanction ASHA for misconduct. That authority has been applied where a party has destroyed electronically stored information. In *Monarch Fire Protection Dist. of St. Louis County, Missouri v. Freedom Consulting & Auditing, Services, Inc.*, No. 4:08-CV-1424-ERW, 2009 WL 3461226 (E.D. Mo. Oct. 20, 2009), the plaintiffs sought sanctions against the defendants for destroying electronically stored information. The defendants argued against sanctions, claiming that their "actions were proper because [they] retained hard copies of all the records contained on the hard drive prior to its destruction." *Id.* at *3. The Court disagreed, stating that "sanctions for [defendant's] intentional destruction of the hard drive

are appropriate." *Id.*; *see also Lombardo v. Broadway Stores, Inc.*, No. G026581, 2002 WL 86810, at *7-8 (Cal. App. 4th Dist. Jan. 22, 2002) (finding that hard-copy records were not equivalent to electronic records and ordering sanctions against party for deleting electronic records even though paper copies of the records were still available); 6 Kurt A. Phillips, Jr., *et al.*, *Kentucky Practice Rules of Civil Procedure Annotated* § 26.02(5) (6th ed. 2010) ("The mere fact that information that is stored electronically as a matter of course in one's business has been produced in a functionally equivalent form such as a hard copy does not excuse the responding party from producing the requested information in electronic form. This is particularly true in the case of email . . . .").

Here, ASHA destroyed the subject matter of this lawsuit -- electronic records, computer hard drives and records maintained on backup servers -- in spite of the well-established rule of law in Kentucky and in direct violation of its own document retention policy. To the extent that ASHA printed some of its records before deleting the electronic version, ASHA is not shielded from sanctions. Those printed documents do not contain the metadata and other information ASHA was obligated to preserve. Furthermore, it is preposterous for ASHA to contend that, after a time consuming, expensive and contentious litigation, the Members should trust that ASHA's former employee printed the "important" records before deleting them.[20] In fact, an opposite presumption would be more appropriate. ASHA's deletion of records, destruction of hard drives and failure to preserve the backup servers "call[s] the authenticity of the files and their content into question and make[s] it impossible for [the Members] to rely on them." *Krumwiede v. Brighton Associates, LLC*, No. 05 C 3003, 2006 WL 1308629, at *4 (N.D. Ill. May 8, 2006) (finding that party's deletion of electronically stored information justified entry of

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20 *See* ASHA's Response to Contempt Motion, p. 5.

default judgment against the destroying party despite that party's retention of hard copies and/or back-up copies).

ASHA's egregious conduct is inexcusable in today's electronically-dominated age and warrants the full extent of this Court's contempt powers.

> As a general matter, it is beyond question that a party to civil litigation has a duty to preserve relevant information, including ESI [electronically stored information], when that party has notice that the evidence is relevant to litigation or should have known that the evidence may be relevant to future litigation.

John B. v. Goetz, 531 F.3d 448, 459 (6th Cir. 2008) (quotation marks and citations omitted). Kentucky courts agree with the Sixth Circuit's analysis. *See Monsanto Co. v. Reed*, 950 S.W.2d 811, 815 (Ky. 1997) (finding that "civil penalties" are appropriate "to counteract a party's deliberate destruction of evidence"). ASHA knew that all of its records were at issue in this litigation.[21] Accordingly, ASHA was required to preserve all of its records.

D. Remedies That Are Appropriate Under These Circumstances

The Court has the authority, through its contempt power and its inherent authority to control participants in the judicial process, to sanction ASHA for its conduct and "nearly unfettered discretion in issuing [such] contempt citations." *Kentucky Retirement Systems*, 338 S.W.3d at 800. The Members propose that the following sanctions are appropriate under these circumstances:

i. *Order ASHA to pay a monetary sanction in an amount equal to the Members' costs incurred in litigating this dispute*

This Court should exercise its authority and award appropriate relief to compel ASHA to meet its obligation to preserve records through the pendency of the litigation and to compensate

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[21] "Defendants insist . . . that 'all books and records' means all documents of whatever nature in the custody or control of the nonprofit association . . . ." ASHA's Memorandum in Support of Motion for Summary Judgment, p. 17.

the Members for ASHA's noncompliance.

> Contempt is the willful disobedience of—or open disrespect for—the rules or orders of a court. . . . The purpose of a court's exercising its civil contempt powers is to force compliance with its orders or to compensate for losses or damages caused by noncompliance . . . .

Id. at 800-01 (citations omitted). In addition to compelling AHSA to retain records during the remainder of this litigation, awarding attorney fees here will compensate the Members for their losses and damages caused by ASHA's willful destruction of records created and received by ASHA's highest ranking employees who manage the nonprofit on a day to day basis.

Courts have relied upon their inherent contempt powers to award attorney fees despite the absence of express authority from a statute or rule. In *Chambers v. NASCO, Inc.* 501 U.S. 32 (1991), the U.S. Supreme Court identified the following three situations which warrant an award of attorneys' fees: (1) the common fund exception, (2) as a sanction for the willful disobedience of a court order and (3) as a sanction when a party has acted in bad faith, vexatiously or for oppressive reasons. Kentucky courts have confirmed the same authority. In *Lake Village Water Association, Inc. v. Sorrell*, 815 S.W.2d 418 (Ky. App. 1991), the Court of Appeals held that:

> In addition to express authority to award fees and costs, the United States Supreme Court has recently held that a federal court may invoke its inherent power to impose attorney's fees and related expenses on a party as a sanction for bad faith conduct, regardless of the existence of statutory or remedial rules.

(citing *Chambers v. Nasco*); *see also Murphy v. Commonwealth*, 50 S.W.3d 173, 186 (Ky. 2001) ("If the courts are to have the power to control participants in the judicial process and effectively administer justice, the power of contempt must be more than a hollow threat.").

Here, the Members incurred significant expenses, including attorney fees, in defending against ASHA's lawsuit which challenged the plain language of a clearly written Kentucky statute. ASHA's first strategy was to simply deny inspection of its records. ASHA's second

strategy was to file the underlying lawsuit and force the Members to invest a significant amount of money to enforce their inspection rights under the law. ASHA's third strategy, after losing on the merits, was to bury the Members under enormous amounts of paper records while withholding records relating to its highest ranking employee. When ASHA was forced to produce its records in their native format, it became clear that ASHA had already fixed the result of this litigation regardless of the ultimate ruling on the merits. ASHA prevented the Members from inspecting records relating to ASHA's executive director – the same executive director who resigned during this litigation before being deposed and who ultimately entered into a settlement agreement with ASHA.

At a minimum, ASHA should be sanctioned in an amount sufficient to compensate the Members, in full, for the costs they incurred obtaining a judgment confirming their right to inspect records only to learn that ASHA destroyed the records during the litigation. Courts have entered orders carrying similar financial and judicial impact for similar and, even lesser, acts of contempt and bad faith. *See, e.g., Green v. Blitz U.S.A., Inc.*, No. 2:07-CV-372 (TJW), 2011 WL 806011 (E.D. Tex. Mar. 1, 2011) (ordering defendant to pay $250,000 for civil contempt sanction to plaintiff nearly three years after final judgment where defendant failed to produce relevant documents and failed to preserve relevant electronic information during litigation; Court found that $250,000 would compensate plaintiff for its losses in the litigation); *Krumwiede v. Brighton Associates, LLC*, No. 05 C 3003, 2006 WL 1308629, at *4 (N.D. Ill. May 8, 2006), 2006 WL 2349985 (N.D. Ill. Aug 09, 2006) (entering default judgment against defendant *and* awarding over $100,000 in attorney's fees as result of party's deletion of electronically stored information despite that party's retention of hard copies and/or back-up copies).

The Members request ten (10) days from the entry of the Court's Order to tender an affidavit in support of the amount of the total costs incurred litigating this matter to date.

ii. *Hold that ASHA has waived all of its objections to producing its records for inspection including, without limitation, claims of privilege and work product, and order ASHA to produce all of the records listed on its privilege log*

Waiver of claims of privilege and the work product doctrine is an accepted sanction in many instances which are far less egregious than ASHA's conduct. Under Kentucky law, Courts may strike a defense, dismiss an action or even enter a default judgment where a party merely fails to *timely produce* relevant documents, much less *destroys* the subject matter of the litigation. *See, e.g., R.T. Vanderbilt Co., Inc. v. Franklin*, 290 S.W.3d 654 (Ky. App. 2009) (affirming trial court's sanction striking one of the defendant's potential defenses for failure to produce relevant documents in a timely manner). Where a party merely fails to object to a request in a timely manner, that party is deemed to have waived all objections, including privilege. *See Usery v. Eastern Kentucky Univ.*, No. 76-15, 1977 WL 1674, at *6 (E.D. Ky. Jan. 21, 1977) ("In the absence of an extension of time or good cause, failure to object to interrogatories within that period of time constitutes a waiver of any objection, including the objection of privilege."); *U.S. v. 58.16 Acres of Land*, 66 F.R.D. 570, 572 (E.D. Ill.1975) ("Even an objection that the information sought is privileged, is waived by a failure to make it within the proper time limits."); *U.S. v. Hatchett*, 862 F.2d 1249, 1252 (6th Cir. 1988) (noting that the "failure to object within the time limit . . . generally constitutes a waiver, even where the objection is that the information sought is privileged") (quotation marks omitted).

Here, ASHA's intentional and willful destruction of records rises well above the failure to timely object to production. ASHA filed this lawsuit because it wished to prevent its members from inspecting ASHA's corporate records. During the litigation of the dispute, ASHA's actions

guaranteed that the Members would not be permitted to inspect certain records created and maintained by its highest ranking employees regardless of the ultimate ruling of this Court. Nonetheless, ASHA continues to withhold relevant records that it did manage to preserve.[22] ASHA should not be permitted to hide those remaining records based upon privilege or work product claims. Because ASHA's willful destruction of documents has left the Members with no alternative for obtaining the information contained in the records that were destroyed, this Court should order ASHA to produce all documents that remain, regardless of any claimed privilege or other protection. To hold otherwise would permit ASHA to shield forever its actions from its Members in direct violation of KRS § 273.233. "[A] party who intentionally seeks to delay or thwart the judicial process should not benefit from the defiant conduct." *R.T. Vanderbilt*, 290 S.W.3d at 662.

Moreover, to the extent ASHA attempts to shield records based on the work product doctrine, such protection was lost by ASHA's destruction of documents. The work product doctrine does not protect information where the party seeking the information demonstrates a "substantial need of the materials" and "that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means." CR 26.02(3)(a); *see also Duffy v. Wilson*, 289 S.W.3d 555, 559 (Ky. 2009). Here, the records ASHA destroyed are the subject matter of this litigation; the Court has held that the Members are entitled to inspect the records. Because ASHA destroyed the records, the Members have no alternative method by which to recover the "substantial equivalent of the materials." Accordingly, ASHA should not be permitted to hide any remaining records based upon the work product doctrine.

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22 A copy of ASHA's extensive privilege log is attached as Exhibit 2.

III. CONCLUSION

For the foregoing reasons, the Court should grant the Members' motion, hold ASHA in contempt, order ASHA to compensate the aggrieved Members in an amount equal to all of their expenses, including attorneys' fees, incurred litigating this dispute and order ASHA to produce all of the records listed on its privilege log.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing Defendants' Post-Hearing Memorandum In Support Of Motion To Hold ASHA In Contempt of Court And To Sanction ASHA For Its Conduct was served via first class United States Mail, postage prepaid, to the following on October 21, 2011:

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and

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Lewis G. Paisley (with permission by KJO)
Counsel for Defendants

EXHIBIT 1

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
22nd JUDICIAL CIRCUIT
DIVISION 3

AMERICAN SADDLEBRED HORSE ASSOCIATION, INC., **Plaintiff** **v.** **EDWARD R. BENNETT, et al.** **Defendants**	**Case No. 09-CI-05292** **PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter came before the Court on Defendants' Motion to Hold Plaintiff ("ASHA") in contempt of Court and sanction ASHA for its conduct. The Court, having reviewed the respective memoranda and briefs, and having conducted an evidentiary hearing, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. All of ASHA's records were relevant or potentially relevant to this litigation.

2. ASHA failed to preserve relevant and potentially relevant records during this litigation.

3. ASHA's document retention and destruction policy prohibited destruction of records during litigation.

4. ASHA's former executive director, Alan Balch, deleted electronically stored information during the pendency of this litigation.

5. ASHA's information technology director, Will Wood, destroyed computer hard drives during the pendency of this litigation including, without limitation, sending a computer used by Mr. Balch to a recycling company.

6. ASHA failed to preserve records maintained on a backup server during the pendency of this litigation.

7. ASHA failed to preserve records maintained on a backup database during the pendency of this litigation.

8. ASHA's current executive director, Paula Johnson, deleted electronically stored information during the pendency of this litigation.

9. ASHA's destruction of relevant and potentially relevant records during this litigation constitutes willful disobedience of a well-established rule of law which requires parties to preserve relevant and potentially relevant records during litigation.

10. ASHA willfully destroyed records which were the subject matter of this lawsuit.

11. ASHA is in civil contempt of this Court for willful destruction of records which were the subject matter of this lawsuit and for violating well-established rules of Kentucky courts and this Court's rules and orders.

CONCLUSIONS OF LAW

1. "Contempt is the willful disobedience of—or open disrespect for—the rules or orders of a court. Contempt may be either civil or criminal, depending upon the reason for the contempt citation. Civil contempt, the focus of this appeal, is the failure to do something under order of court, generally for the benefit of a party litigant. Thus, courts have inherent power to impose a sanction for a civil contempt to enforce compliance with their lawful orders." *Kentucky Retirement Systems v. Foster*, 338 S.W.3d 788, 800-01 (Ky. App. 2010) (quoting *Crowder v.*

Rearden, 296 S.W.3d 445, 450 (Ky. App. 2009) (emphasis added)). "The purpose of a court's exercising its civil contempt powers is to force compliance with its orders or to compensate for losses or damages caused by noncompliance. . . ." *Id.*

2. This Court has inherent authority to control participants in the judicial process.

3. When litigation is pending, the destruction, removal, concealment, or disposal of the subject matter of a lawsuit by a party to the action is contempt of the court even in the absence of a court order regarding the property. See 17 C.J.S., Contempt § 11.

4. This lawsuit placed all of ASHA's records at issue, and ASHA had a duty to preserve those records. *See Tinsley v. Jackson*, 771 S.W.2d 331 (Ky. 1989); *see also Sanborn v. Commonwealth*, 754 S.W.2d 534 (Ky. 1988).

5. "The mere fact that information that is stored electronically as a matter of course in one's business has been produced in a functionally equivalent form such as a hard copy does not excuse the responding party from producing the requested information in electronic form. This is particularly true in the case of email . . . ." 6 Kurt A. Phillips, Jr., *et al.*, *Kentucky Practice Rules of Civil Procedure Annotated* § 26.02(5) (6th ed. 2010).

6. Waiver of privilege and work product doctrine objections is an accepted sanction in many instances which are far less egregious than ASHA's conduct. *See, e.g., R.T. Vanderbilt Co., Inc. v. Franklin*, 290 S.W.3d 654 (Ky. App. 2009) (affirming trial court's sanction striking one of the defendant's potential defenses for failure to produce relevant documents in a timely manner). *See also Usery v. Eastern Kentucky Univ.*, No. 76-15, 1977 WL 1674, at *6 (E.D. Ky. Jan. 21, 1977) ("In the absence of an extension of time or good cause, failure to object to interrogatories within that period of time constitutes a waiver of any objection, including the objection of privilege."); *U.S. v. 58.16 Acres of Land*, 66 F.R.D. 570, 572 (E.D. Ill.1975) ("Even

an objection that the information sought is privileged, is waived by a failure to make it within the proper time limits."); *U.S. v. Hatchett*, 862 F.2d 1249, 1252 (6th Cir. 1988) (noting that the "failure to object within the time limit . . . generally constitutes a waiver, even where the objection is that the information sought is privileged") (quotation marks omitted).

7. "[A] party who intentionally seeks to delay or thwart the judicial process should not benefit from the defiant conduct." *R.T. Vanderbilt*, 290 S.W.3d at 662.

8. The work product doctrine does not protect information where the party seeking the information demonstrates a "substantial need of the materials" and "that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means." CR 26.02(3)(a); *see also Duffy v. Wilson*, 289 S.W.3d 555, 559 (Ky. 2009).

Accordingly, it is HEREBY ORDERED THAT:

1. ASHA is in civil contempt of this Court for willful destruction of records which were the subject matter of this litigation;

2. ASHA is sanctioned in an amount equal to the amount of the reasonable expenses, including attorneys' fees, incurred by the Defendants in this litigation;

3. Defendants shall submit within ten (10) days an affidavit supporting the total amount of expenses incurred by them during this litigation. ASHA shall have ten (10) days to file an objection to all or a portion of the expenses claimed by the Defendants. In the event of an objection by ASHA, the Defendants shall file a response within ten (10) days of ASHA's objection, and the Court will determine the appropriate amount to be paid by ASHA pursuant to this Order. If ASHA does not object to the amount stated in the Defendants' affidavit, ASHA shall pay that amount to the Members within thirty (30) days of the service of the affidavit.

4. ASHA is deemed to have waived any objections including, without limitation, claims of privilege and work product relating to any of its records which still exist;

5. ASHA shall, within five (5) days, serve Defendants with copies of the records identified on the privilege log it provided to the Defendants in this matter.

Dated: _____, 2011

_____
Judge, Fayette Circuit Court

Tendered by:

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766906.1

EXHIBIT 2

AMERICAN SADDLEBRED HORSE ASSOCIATION

vs.

EDWARD BENNETT, ET AL.

PRIVILEGE LOG

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	April 17, 2006	Invoice	Invoice No. 1124121 dated 4/17/06 from Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product / Attorney-Client
	May 1, 2006	Check Stub	Check No. 023664 stub dated 5/1/06 for 6/9/06 payment to Boehl, Stopher & Graves, LLP from American Saddlebred Horse Assn. for invoice no. 1124121	Work Product
	July 11, 2006	Invoice	Invoice No. 1127356 dated July 11, 2006 from Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product / Attorney-Client
	June 30, 2006	Check Stub	Check No. 023753 dated 6/30/06 for 7/28/06 payment to Boehl, Stopher & Graves, LLP from American Saddlebred Horse Assn. for invoice no. 1127356	Work Product
	October 19, 2006	Invoice	Invoice No. 1130837 dated 10/19/06 from Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product / Attorney-Client
	September 30, 2006	Check Stub	Check No. 023954 stub dated 9/30/06 for 11/01/06 payment to Boehl, Stopher & Graves, LLP from American Saddlebred Horse Assn. for Invoice No. 1130837	Work Product
	January 11, 2007	Invoice	Invoice No. 1134434 dated 01/11/07 from Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product / Attorney-Client
	December 31, 2006	Check Stub	Check No. 024130 dated 12/31/06 for 02/09/2007 payment to Boehl, Stopher & Graves, LLP from American Saddlebred Horse Assn. for Invoice No. 1134434	Work Product
	April 10, 2007	Invoice	Invoice No. 1137919 dated 04/10/07 from Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product / Attorney-Client
	April 24, 2007	E-mail	E-mail chain dated April 24, 2007 between Jeff Streepey; Joan Jones and Alan Blach	Work Product
	July 18, 2007	Invoice	Invoice No. 1141260 dated 07/18/07 from Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product / Attorney-Client
	June 30, 2007	Check Stub	Check No. 024478 dated 06/30/07 for 08/17/07 payment to Boehl, Stopher & Graves from American Saddlebred Horse Assn. for Invoice No. 1141260	Work Product
	October 9, 2007	Invoice	Invoice No. 1144211 dated 10/09/07 from Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product / Attorney-Client
	September 30, 2007	Check Stub	Check No. 024660 dated 09/30/07 for 11/01/2007 payment to Boehl, Stopher & Graves, LLP to American Saddlebred Horse Assn.	Work Product
	May 6, 2009	E-mail	E-mail from Alan Balch to Judith Werner ; Barbara Molland with cc to Joan Jones regarding Jennifer Wazzerzug	Work Product
	April 15, 2009 2:08 p.m.	E-mail	Chain of e-mail between Balch and Werner and Counsel regarding Tandy's representation of Hoppy	Work Product Attorney-Client
	April 15, 2009 11:49 a.m.	E-mail	E-mail from Balch to Counsel, Werner and Ruwoldt regarding Tandy	Work Product
	April 15, 2009 1:54 p.m.	E-mail	E-mail from Werner to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	April 15, 2009 3:22 p.m.	E-mail	E-mail from Balch to Counsel, Werner and Ruwoldt with attached Balch Contrcts04-09.pdf	Work Product Attorney-Client
	April 15, 2009 3:37 p.m.	E-mail	E-mail from Ruwoldt to Balch regarding Telecon with Jeff Streepey	Work Product Attorney-Client
	April 22, 2009 1:26 p.m.	E-mail	E-mail from Werner to Counsel, et al. with discussion in anticipation of litigation and legal advice	Work Product Attorney-Client
	April 22, 2009 2:24 p.m.	E-mail	E-mail from Alan Balch to Judith Werner; Vgillenwater@aol.com; Barbara Molland; Paul Treibert; Jim Ruwoldt; boonescabin@aol.com; Winsdown Farms; Nelson Green; Carl Holden; germaine johnson; Carolmatton@core.com; McNeese, Margaret C.; Maryann Pardieck; Alan Raun; jimmy8infinity@aol.com; packwuf@att.net; Art Zubrod; CedFa3@aol.com; LisaBDuncan2@aol.com; Mary Anne Cronan; Brian Reimer; bobr@fullnet.com with cc to Jstreepey@bsg-law.com; Joan Jones; bill@bennettcpas.com; c.tevis@asha.net; Ann Hill regarding formal requests of Association and Registry Rec'd this Date. Attachments: AssnRequest20April09.pdf; RegistryRequest20April09.pdf	Work Product Attorney-Client
	April 22, 2009 7:49 p.m.	E-mail	E-mail from Balch to Gillenwater with discussion in anticipation of litigation	Work Product
	April 23, 2009 2:11 p.m.	E-mail	E-mail from Paul to Balch, Board Members and Counsel	Work Product Attorney-Client
	April 23, 2009 10:55 p.m.	E-mail	E-mail from Balch to Ruwoldt	Work Product
	April 26, 2009 at 7:35 p.m.	E-mail	E-mail chain beginning with e-mail from CedFa3@aol.com to Alan Balch, Judith Werner, Vicki Gillenwater, Barbara Molland, Paul@walshproduct, Jim Ruwoldt, Lisa Duncan, Margaret McNeese, Jimmy8Infinity@aol.com, Carol Mattton, Carlga@bellsouth.net, Art Zubrod, winsdown@cherokeetel.com, Reverie299@aol.com, Bestsy Boone, MaryAnn Pardieck, macron32@gmail.com, reimerstables@mindspring.com, bobr@fullnet.com, reedannland@att.net, auburntiger@insightbb.com, packwuf@att.net, Fred Sarver, with cc to Jeff Streepey, Joan Jones, Ann Hill regarding Teleconference Meeting Scheduled Monday Morning 27 April (5 messages)	Work Product Attorney-Client
	April 27, 2009 at 10:36 a.m.	E-mail	E-mail from Alan Balch to Germaine Johnson, Mary Ann, Fred Sarver with cc to Judith Werner, Vicki Gillenwater, Barbara Mulland, Paul Treiber, Jim Ruwoldt, Lisa Duncan, jimmy8infinity@aol.com, Carol Matton, Maryann Pardieck, Alan Raun, Carl Holden, Margaret McNeese, Art Zubrod, Besty Boone, Winsdown Farms, Nelson Green, packwuf@att.net, CedFa3@aol.com, Brian Reimer, bobr@fullnet.com, Jeff Streepey, Bill Bennett regarding reminder of meeting at 11:00	Work Product Attorney-Client
	April 29, 2009 at 5:16 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
			attachment: FerrebeelNquiryApr09RESPONSE.pdf	
	April 30, 2009 at 8:52 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill regarding responding in verbal/other conversations re document inspections	Work Product Attorney-Client
	April 30, 2009 6:46 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Winsdown Farms with cc to packwuf@att.net, Judith Werner, Vicki Gillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, CedFa3@aol.com, Carol Matton, Alan Raun, Jimmy8infinity@aol.com; Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Nelson Green, Germaine Johnson, Mary Ann, Lisa B. Duncan, Brian Reimer, bobr@fullnet.com, Jeff Streepey, Bill Bennett, Joan Jones, Fred Sarver, Ann Hill, C. Tevis regarding delivery method (2messages)	Work Product Attorney-Client
	May 8, 2009 2:31 p.m.	E-mail	E-mail from Alan Balch to Judith Werner; vgillenwater; Barbara Molland; Paul Treiber; Jim Ruwoldt; CedFa3@aol.com; Carol Matton; Maryann Pardieck; Alan Raun; jimmy8infinity@aol.com; Carl Holden; Margaret C. McNeese; Art Zubrod; Betsy Boone; Winsdown Farms; Nelson Green; Germaine C. Johnson; packwuf@att.net; LisaBDuncan2@aol.com; Mary Ann ; Brian Reimer; bobr@fullnet.com with cc to Jeff Streepey, Fred Sarver, Joan Jones, Charlotte Trevis, Ann Hill. Attachments: FredricksResponse4May09.pdf and FinanSumm00-08May09.pdf	Work Product Attorney-Client
	May 12, 2009 10:17 a.m.	E-mail	E-mail chain beginning with E-mail from Alan Balch to Judith Werner, vgillenwater; Barbara Molland; Paul Treiber; Jim Ruwoldt; LisaBDuncan@aol.com; Margaret C McNeese; Clay Bell, Yolanda Clay, Jimm Robertson, Mary Ann, Jeff Streepey, Ann Hill and Charlotte Tevis regarding VIP: Today's Officers' Meeting (7 messages)	Work Product Attorney-Client
	May 13, 2009 at 9:13 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Barbara Molland, Judith Werner regarding production date	Work Product Attorney-Client
	May 19, 2009 12:10 p.m.	E-mail	E-mail chain ending with e-mail from Alan Balch to Joan Jones; William Wood Jr; Charlotte Tevis	Work Product
	May 15, 2009 9:57 a.m.	E-mail	E-mail from Balch to Counsel and Board Members with attached HoustonResp15May09.pdf	Work Product Attorney-Client
	May 15, 2009 9:50 a.m.	E-mail	E-mail from counsel to Balch with 5-15-09 letter to Houston attached	Work Product Attorney-Client
	May 15, 2009 9:57 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
			attachment: HoustonResp15May09.pdf	
	May 15, 2009 6:13 p.m.	E-mail	E-mail from Ruwoldt to Balch and Redwing	Work Product
	May 15, 2009 6:16 p.m.	E-mail	E-mail from Balch to Ruwoldt	Work Product
	May 18, 2009 8:51 a.m.	E-mail	E-mail from Balch to counsel with IRS9902008Yr attached	Work Product Attorney-Client
	May 19, 2009 at 10:48 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan Jones, Ann Hill regarding employment language and forwarding e-mail from Jeff Streepey (4 message)	Work Product Attorney-Client
	May 19, 2009 at 12:10 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan Jones, William Wood, Jr., Charlotte Tevis regarding Jeff Streepey email regarding Affinity Credit Card Contract (2 messages)	Work Product Attorney-Client
	May 20, 2009	E-mail	E-mail from Alan Balch to Judith Werner	Work Product
	May 20, 2009 5:22 p.m.	E-mail	E-mail from Balch to Counsel in anticipation of litigation	Work Product Attorney-Client
	May 21, 2009 7:23 p.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation	Work Product Attorney-Client
	May 21, 2009 7:22 p.m.	E-mail	E-mail from Ruwoldt to Balch regarding document production	Work Product
	May 21, 2009 7:25 p.m.	E-mail	E-mail from Balch to Ruwoldt	Work Product
	May 21, 2009 8:31 p.m.	E-mail	E-mail from Balch to Counsel and Board of Directors	Work Product Attorney-Client
	May 22, 2009 10:43 a.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation	Work Product Attorney-Client
	May 22, 2009 10:57 a.m.	E-mail	E-mail from Judith Werner to Alan Balch	Work Product
	May 22, 2009 1:35 p.m.	E-mail	E-mail from Alan Balch to counsel regarding statement on registrations	Work Product Attorney-Client
	May 22, 2009 2:08 p.m.	E-mail	E-mail from Alan Balch to Werner and Counsel regarding Registry Stats with attached Registrystats8508.pdf	Work Product Attorney-Client
	May 22, 2009 1:47 p.m.	E-mail	E-mail from Werner to Balch and Counsel	Work Product Attorney-Client
	May 23, 2009 7:23 p.m.	E-mail	E-mail from Werner to Balch regarding June 15 meeting	Work-Product Attorney-Client
	May 26, 2009 10:34 a.m.	E-mail	E-mail from Alan Balch to Werner and Counsel Regarding June 15 document production	Work-Product Attorney Client
	May 26, 2009 2:01 p.m.	E-mail	E-mail from Alan Balch to Counsel and Werner regarding document production	Work-Product Attorney-Client
	May 26, 2009 2:02 p.m.	E-mail	E-mail from Alan Balch to Werner and Counsel regarding document production with attachment (first part of two parts sent)	Work-Product Attorney-Client
	May 26, 2009 2:03 p.m.	E-mail	E-mail from Alan Balch to Werner and Counsel regarding document production with attachment (second part of two parts sent) 0348_001.pdf	Work-Product Attorney-Client
	May 27, 2009 9:55 a.m.	E-mail	E-mail from Balch to counsel with discussion regarding documents provided to Houston posted on web	Work Product Attorney-Client
	May 28, 2009 10:13 a.m.	E-mail	E-mail from Counsel to Werner and Balch in anticipation of litigation	Work Product Attorney-Client
	May 28, 2009 10:32 a.m.	E-mail	E-mail from Werner to Balch	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	May 28, 2009 12:16 p.m.	E-mail	E-mail from Balch to Counsel regarding Auditor Luallen's Recommendations for Non-Profit Boards	Work Product Attorney-Client
	June 2, 2009 8:56 p.m.	E-mail	E-mail from Balch to Werner and Molland	Work Product
	June 3, 2009 at 3:08 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Alan Balch regarding conversation with Carl Holden (5 messages)	Work Product Attorney-Client
	June 3, 2009 5:02 p.m.	E-mail	E-mail from Werner to Counsel, Balch and Board Members regarding meeting at Counsel's office	Work Product Attorney-Client
	June 11, 2009 5:43 a.m.	E-mail	E-mail from Balch to Counsel; attached 1) 04-20-09 ASHA Final.pdf; 2) 04-20-09 Registry letter Final.pdf; and 3) To Jefferson_Streepey_Esq._letter.pdf	Work Product Attorney-Client
	June 11, 2009 8:16 p.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation	Work Product Attorney-Client
	June 11, 2009 at 8:40 p.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Joan Jones regarding Monday Arrangements	Work Product Attorney-Client
	June 15, 2009 2:43 p.m.	E-mail	E-mail from Ann Hill to Board Members and Counsel	Work Product Attorney-Client
	June 15, 2009	E-mail	E-mail from Judith Werner to Alan Balch	Work Product
	June 16, 2009 11:48 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Judity Werner , Ann Hill, Charlotte Tevis, Jeff Streepey, Joan Jones regarding June 15th document presentation (3 messages)	Work Product Attorney-Client
	June 16, 2009 11:48 a.m.	E-mail	E-mail from Balch to Board of Directors and Counsel regarding 6/15/09 production meeting	Work Product Attorney-Client
	June 16, 2009 11:57 a.m.	E-mail	E-mail chain beginning with e-mail from Ann Hill to Jeff Streepey with cc to Alan Balch, Charlotte Tevis regarding Confidential: Document production, Monday, June 15 -- Draft (3 messages)	Work Product Attorney-Client
	June 17, 2009 11:53 a.m.	E-mail	E-mail from Balch to Counsel; attached FerrebeeetalInvIteJune09.docx	Work Product Attorney-Client
	June 18, 2009 11:41 a.m.	E-mail	E-mail from Molland to Counsel, et al. regarding document production	Work Product Attorney-Client
	June 18, 2009 11:58 a.m.	E-mail	E-mail from Balch to Counsel et al regarding Ann's email inclusion of James Nichols	Work Product Attorney-Client
	June 18, 2009 2:52 p.m.	E-mail	E-mail from Balch to Counsel in anticipation of litigation	Work Product Attorney-Client
	June 18, 2009 4:01 p.m.	E-mail	E-mail from Balch to Counsel, et al. in anticipation of litigation	Work Product Attorney-Client
	June 18, 2009 4:11 p.m.	E-mail	E-mail from Balch to Counsel and Board Members with attached e-mail from Stephen Houston dated 6/18/09 sent at 8:16 a.m.	Work Product Attorney-Client
	June 18, 2009 4:20 p.m.	E-mail	E-mail from Balch to Counsel, Mollard and Werner	Work Product Attorney-Client
	June 18, 2009 4:53 p.m.	E-mail	E-mail from Balch to counsel and Board members with discussion in anticipation of litigation	Work Product Attorney-Client
	June 18, 2009	E-mail	E-mail from counsel to Balch with discussion in anticipation of litigation	Work Product Attorney-Client
	June 19, 2009 1:16 p.m.	E-mail	E-mail from Balch to Counsel, et al. with discussion regarding web postings re document inspections	Work Product Attorney-Client
	June 19, 2009 9:24 p.m.	E-mail	E-mail from Ruwoldt to Balch	Work Product
	June 22, 2009 8:47 a.m.	E-mail	E-mail from Counsel to Board	Work Product Attorney-Client
	June 23, 2009 at	E-mail	E-mail chain beginning with e-mail from Alan Balch to Judith	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	8:14 a.m.		Werner, Barbara Molland, Jeff Streepey, Joan Jones regarding Audit Committee with attachment: AuditCommitteeJune09.pdf (2 messages)	Attorney-Client
	June 25, 2009 at 7:28 a.m.	E-mail	E-mail from Alan Balch to Joan Jones forwarding email from Jeff Streepey regarding Document Retention/Destruction Policy	Work Product Attorney-Client
	June 25, 2009 at 4:41 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Joan Jones regarding Insurance Notice (3 messages)	Work Product Attorney-Client
	June 26, 2009 2:07 p.m.	E-mail	E-mail from Balch to Counsel in anticipation of release of email	Work Product Attorney-Client
	June 26, 2009 2:18 p.m.	E-mail	E-mail from Balch to counsel and Board Members with discussion in anticipation of litigation; attached Houston26June09.pdf	Work Product Attorney-Client
	June 26, 2009 3:12 p.m.	E-mail	E-mail from Balch to Counsel et al	Work Product Attorney-Client
	June 26, 2009	Letter	Draft letter dated June 26, 2009 to Jefferson K. Streepey, Esq. from Stephen A. Houston requesting information and records on financial expenditures	Work Product
	June 26, 2009 4:23 p.m.	E-mail	E-mail from Ruwoldt to Werner and Balch regarding recent letter from Houston	Work Product
	July 2, 2009 11:51	E-mail	E-mail from Alan Balch to Richard Lamier with cc to Joan Jones, Jeff Streepey regarding Claim 404451 with attachment: Houston26June09.pdf	Work Product Attorney-Client
	July 2, 2009 11:53 a.m.	E-mail	E-mail from Alan Balch to Terry Fox with cc to Joan Jones, Jeff Streepey regarding contact information with attachment: Houston26June09.pdf	Work Product Attorney-Client
	July 2, 2009 4:20 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment ConflictofInterestASHAJuly09.pdf	Work Product Attorney-Client
	July 2, 2009 7:38 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachments: DocumentDestructionPolicy.pdf and WhistleblowerPolicyJuly09.pdf	Work Product Attorney-Client
	July 3, 2009 1:58 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachments: RegistryMembStatsJuly09.pdf and BylawRuleProposalsJuly09.pdf	Work Product Attorney-Client
	July 10, 2009 at	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	1:38 p.m.		Streepey, Joan Jones regarding Document Inspection (2 messages)	Attorney-Client
	July 13, 2009 at 10:15 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Barbara Molland, Judith Werner with cc to Joan Jones regarding Kinko's charges and document inspections	Work Product Attorney-Client
	July 13, 2009 5:21 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachments: StreepeyHouston13July09.pdf; StreepeyHouston13JulyATT.pdf and RELEASEGovernanceJuly09FINAL.pdf (2 messages)	Work Product Attorney-Client
	July 13, 2009 5:21 p.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation; attached 1) StreepeyHouston13July09.pdf; 2) StreepeyHouston13JulyATT.pdf; and 3) RELEASEGovernanceJuly09FINAL.pdf	Work Product Attorney-Client
	July 14, 2009 11:06 a.m.	E-mail	E-mail from Balch to Werner regarding additional compensation for Joan and her refusal to take same in the context of litigation	Work Product
	July 14, 2009 11:11 a.m.	E-mail	E-mail from Balch to Joan Jones acknowledging her unwillingness to accept additional compensation in the context of litigation	Work Product
	July 15, 2009 at 2:34 p.m.	E-mail	E-mail chain beginning with e-mail from Balch regarding Questions on 990 (5 messages)	Work Product Attorney-Client
	July 15, 2009 at 7:41 p.m.	E-mail	E-mail from Alan Balch to Joan Jones regarding Vaca! And forwarding emails from Jeff Streepey	Work Product Attorney-Client
	July 21, 2009 3:04 p.m.	E-mail	E-mail from Balch to Board Members and Counsel regarding post of document production notification	Work Product Attorney-Client
	July 22, 2009 9:11 a.m.	E-mail	E-mail from Counsel to Balch, et al. in anticipation of litigation	Work Product Attorney-Client
	July 22, 2009	E-mail	E-mail from Balch to Counsel, Werner, Molland and Jones in preparation for litigation and seeking legal advice	Work Product Attorney-Client
	July 22, 2009 5:10 p.m.	E-mail	E-mail from Balch to Board Members cc: Jeff Streepey; bcc: Joan Jones regarding correspondence from Stephen Houston received; attached is Houston22July09.pdf	Work Product Attorney-Client
	July 22, 2009 5:31 p.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation	Work Product Attorney-Client
	July 23, 2009 11:28 a.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to jowilliams@pwm-jsl.com with cc to Alan regarding Notice with attachment: 0937_001.pdf (8 messages)	Work Product Attorney Client
	July 23, 2009 12:11 p.m.	E-mail	E-mail chain ending with e-mail from Alan Balch to William Wood, Jr.; Jeff Streepey regarding PlayOn! Asha AffiliateAgreement 6-22-2009	Work Product Attorney-Client
	July 23, 2009 3:12 p.m.	E-mail	E-mail from Balch to Counsel regarding Security Headwell	Work Product Attorney-Client
	July 23, 2009 4:15 p.m.	E-mail	E-mail chain ending with e-mail from Barbara Molland to Alan Balch; Jeff Streepey with cc to Judity Werner; William Wood, Jr. regarding Security Headwell	Work Product Attorney-client
	July 24, 2009	E-mail	E-mail chain from Balch to Counsel et al.	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	9:19 a.m.			Attorney-Client
	July 24, 2009 at 3:14 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan Jones regarding Balch/Outside Activities: Doc Production (4 messages)	Work Product Attorney-Client
	July 24, 2009 3:37 p.m.	E-mail	E-mail from Counsel to Balch and Board Members in anticipation of litigation	Work Product Attorney-Client
	July 24, 2009 4:29 p.m.	E-mail	E-mail from Balch to Counsel; attached streepdocprod2july09.pdf	Work Product Attorney-Client
	July 26, 2009 8:42 a.m.	E-mail	E-mail from Werner to Ruwoldt and Counsel regarding document production	Work Product Attorney-Client
	July 26, 2009 9:39 a.m.	E-mail	E-mail from Werner to Jones & Balch regarding or in preparation for litigation	Work Product
	July 26, 2009 9:54 a.m.	E-mail	E-mail from Balch to Werner regarding or in preparation for litigation	Work Product
	July 27, 2009 10:22 a.m.	E-mail	E-mail from Alan Bach to Joan Jones regarding anticipated litigation	Work Product
	July 27, 2009 2:51 p.m.	E-mail	E-mail from Balch to Ruwoldt and Werner regarding or in preparation for litigation	Work Product
	July 28, 2009 at 8:05 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Bill Bennett, Judith Werner, Joan Jones regarding Tax Return (2 messages)	Work Product Attorney-Client
	July 28, 2009 at 7:56 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Bill Bennett, Judith Werner, Joan Jones regarding Tax Return (5 Messages)	Work Product Attorney-Client
	July 29, 2009 at 5:50 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Joan Jones regarding ASHA 07 (2 messages)	Work Product Attorney-Client
	July 29, 2009 6:22 p.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation	Work Product Attorney-Client
	July 30, 2009 at 11:01 a.m.	E-mail	E-mail from Balch to Jeff Streepey, Joan Jones regarding Social Security numbers	Work Product Attorney-Client
	July 30, 2009 12:09 p.m.	E-mail	E-mail from Joan Jones to Alan Balch regarding Insurance Letter with attachment: 1015_001.pdf	Work Product Attorney-Client
	July 30, 2009 5:22 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, Barbara Molland, Fred Sarver, Mary Ann, Jeff Streepey regarding Balch Allegation	Work Product Attorney-Client
	August 3, 2009 5:35 p.m.	E-mail	E-mail from Balch to Counsel, et al. with discussion regarding media release	Work Product Attorney-Client
	August 4, 2009 10:20 a.m.	E-mail	E-mail from Balch to Werner regarding posting regarding document dispute	Work Product
	August 4, 2009 12:23 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Alan Balch regarding website (8 messages)	Work Product Attorney-Client
	August 4, 2009 3:20 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Joan Jones, Ann Hill, Brice Carr regarding Document Redactions (2 messages)	Work Product Attorney-Client
	August 5, 2009 10:46 a.m.	E-mail	E-mail from Balch to Counsel, et al. with discussion in anticipation of litigation	Work Product Attorney-Client
	August 5, 2009 at 4:10 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Joan Jones, Judith Werner, Barbara Molland regarding 2008 Tax Returns (3 messages)	Work Product Attorney-Client
	August 6, 2009 12:25 a.m.	E-mail	E-mail from Molland to Counsel et al regarding document dispute	Work Product Attorney-Client
	August 6, 2009 8:44 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Alan Balch regarding Inspected Documents (5 messages)	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	August 12, 2009 3:01 p.m.	E-mail	E-mail from Counsel to Balch et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 12, 2009 3:16 p.m.	E-mail	E-mail from Balch to Counsel, et al. with discussion in anticipation of litigation	Work Product Attorney-Client
	August 12, 2009 3:30 p.m.	E-mail	E-mail from Alan Balch to Judith Werner with cc to Jeff Streepey, Barbara Molland regarding Fredricks/Houston	Work Product Attorney-Client
	August 12, 2009 3:31 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey with cc to Joan Jones regarding tax returns (9 messages)	Work Product Attorney-Client
	August 12, 2009 4:15 p.m.	E-mail	E-mail from Balch to Counsel with discussion in anticipation of litigation	
	August 12, 2009 5:01 p.m.	E-mail	E-mail from Balch to counsel and Board Members with discussion in anticipation of litigation with Trotorg12Augu09.pdf attached	Work Product Attorney-Client
	August 12, 2009 6:01 p.m.	E-mal	E-mail from Balch to Werner and Counsel regarding litigation and seeking legal advice	Work Product Attorney-Client
	August 12, 2009 8:59 p.m.	E-mail	E-mail from Balch to Molland and Werner in anticipation of litigation	Work Product
	August 13, 2009 at 7:34 a.m.	E-mail	E-mal from Alan Balch to Judith Werner, Barbara Molland, Jeff Streepey regarding September Dates for document inspection	Work Product Attorney-Client
	August 13, 2009 12:58 p.m.	E-mail	E-mail from Balch to Counsel et al. with discussion in anticipation of litigation	Wok Product Attorney-Client
	August 13, 2009 5:55 p.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation	Work Product Attorney-Client
	August 14, 2009 7:19 a.m.	E-mail	E-mail fro Alan Balch to Barbara Molland, Judith Werner, Jeff Streepey regarding October 5, 6 for document inspection	Work Product Attorney-Client
	August 14, 2009 11:41 a.m.	E-mail	E-mail from Molland to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 15, 2009 11:26 a.m.	E-mail	E-mail from Balch to counsel	Work Product Attorney-Client
	August 15, 2009 3:41 p.m.	E-mail	E-mail from Molland to Counsel, et al. with discussion in anticipation of litigation	Work Product Attorney-Client
	August 15, 2009 7:04 p.m.	E-mail	E-mail from Balch to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 17, 2009 12:19 p.m.	E-mail	E-mail from Balch to Werner and Molland	Work Product
	August 17, 2009 4:35 p.m.	E-mail	E-mail from Balch to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 18, 2009 3:05 p.m.	E-mail	E-mail from Werner to Counsel et al with discussion in anticipation of litigation	Work Product Attorney Client
	August 18, 2009 4:15 p.m.	E-mail	E-mail from Balch to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 18, 2009 4:51 p.m.	E-mail	E-mail from Balch to Counsel et al with discussion in anticipation of litigation; attached FerrebeeetalInviteAug09.pdf	Work Product Attorney-Client
	August 19, 2009 8:59 a.m.	E-mail	E-mail from Balch to counsel with discussion in anticipation of litigation with FerrebeeetalInviteAug09.pdf attached	Work Product Attorney-Client
	August 19, 2009 9:30 a.m.	E-mail	E-mail from Alan Balch to Joan Jones, Charlotte Tevis, Ann Hill forwarding message dated 8/19/2009 8:59 a.m. to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
			Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey with attachment: FerreebeetalInviteAug09.pdf	
	August 19, 2009 10:41 a.m.	E-mail	E-mail from Balch to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 19, 2009 2:20 p.m.	E-mail	E-mail from Balch to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 19, 2009 2:24 p.m.	E-mail	E-mail from Balch to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 19, 2009 at 5:18 p.m.	E-mail	E-mail from Balch to Jeff Streepey, Barbara Molland, Judith Werner regarding Public Post of Personnel Info	Work Product Attorney-Client
	August 19, 2009 at 5:36 p.m.	E-mail	E-mail from Alan Balch to Joan Jones regarding Posts regarding document inspections	Work Product Attorney-Client
	August 20, 2009 8:27 a.m.	E-mail	E-mail from Werner to Counsel et al with discussion in anticipation of litigation	Work Product Attorney-Client
	August 20, 2009 4:04 p.m.	E-mail	E-mail from Balch to Counsel, et al. with discussion in anticipation of litigation	Work Product Attorney-Client
	August 25, 2009	Letter	Letter dated August 25, 2009 to Jefferson K. Streepey, Esq. from Stephen A. Houston requesting production of documents	Work Product
	September 2, 2009 at 3:40 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey regarding deferred comp (3 messages)	Work Product Attorney-Client
	September 4, 2009 at 2:34 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan Jones regarding ASHA with attachment: 9-4-09 LETTER TO HOUSTON.pdf (8 messages)	Work Product Attorney-Client
	September 9, 2009 at 11:44 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff STreepey, Katriona Adams, Joan Jones with cc to Barbara Molland, Judith Werner regarding Subpoena: Lexington Jr. League with attachment: LexJrLeagueSubp9Sept09.pdf (7 Messages)	Work Product Attorney-Client
	September 10, 2009 5:59 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Barbara Molland, Judith Werner with cc to Joan Jones regarding no response	Work Product Attorney-Client
	September 11, 2009 10:52 a.m.	E-mail	E-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachments: 1) HoustonStreepey10Sept09EMAIL.pdf and 2) STreepeyHouston4Sept09.pdf	Work Product Attorney-Client
	September 14, 2009 5:36 p.m.	E-mail	E-mail from Balch to Getty, Streepey & Judith Werner in anticipation of litigation	Work Product Attorney-Client
	September 16, 2009 at 11:00 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Joan Jones regarding D and O Coverage	Work Product Attorney-Client
	September 16, 2009 at 12:48 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to jcross@ciphergruop.net, Jeff Streepey, Richard Getty with cc to Judith Werner regarding engagement: American Saddlebred Horse Association (3 messages)	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	September 18, 2009 at 2:59 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan Jones regarding insurance renewal (2 messages)	Work Product Attorney-Client
	September 21, 2009 8:26 a.m.	E-mail	E-mail from Alan Balch to Joan Jones regarding Conference Senior Members marked private and confidential with forwarded e-mail sent to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill	Work Product Attorney-Client
	September 22, 2009 4:56 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: FerrebeeetalInviteSept09.pdf	Work Product Attorney-Client
	September 23, 2009 6:29 a.m.	E-mail	E-mail from Alan Balch to Joan Jones regarding Letter to Ferrebee et al, 22 September 09 with attachment: FerrebeeetalInviteSept09.pdf	Work Product Attorney-Client
	September 23, 2009 4:08 p.m.	E-mail	E-mail from Alan Balch to Joan Jones regarding ASHA	Work Product Attorney-Client
	September 23, 2009 4:11 p.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Judith Werner, Barbara Molland regarding Houston	Work Product Attorney-Client
	September 24, 2009 7:52 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Judith Werner, Barbara Molland with cc to Charlotte Tevis	Work Product Attorney-Client
	September 24, 2009 8:13 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Judith Werner, Barbara Molland with cc to Charlotte Tevis	Work Product Attorney-Client
	September 24, 2009 8:13 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Judity Werner, Barbara Molland with cc to Charlotte Tevis regarding VIP ADD regarding Executive Committee Members	Work Product Attorney-Client
	September 24, 2009 at 2:03 p.m.	E-mail	E-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: StreepeyHoutonemail24Sept09.pdf	Work Product Attorney-Client
	September 24, 2009 at 5:47 p.m.	E-mail	E-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill regarding Guests Monday Afternoon, Oct 5	Work Product Attorney-Client
	September 26,	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	2009 7:25 p.m.		Jones regarding ADD Guests ER: FW: ASHA (4 messages)	Attorney-Client
	September 26, 2009 at 9:28 a.m.	E-mail	E-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: HoustonEmail25Sept09.pdf	Work Product Attorney-Client
	September 26, 2009 at 5:38 p.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Judith Werner, Barbara Molland regarding Email Production	Work Product Attorney-Client
	September 28, 2009 5:01 p.m.	E-mail	E-mail from Alan Balch to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: StreepeyEmail28Sept09.pdf	Work Product Attorney-Client
	September 30, 2009 10:57 a.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: InviteOct509.docx.pdf	Work Product Attorney-Client
	October 1, 2009	Memo	Balch Memo to File in anticipation of litigation	Work Product
	October 6, 2009 11:48 a.m.	E-mail	E-mail from Jared A. Cox to Joan Jones, Alan Balch with cc to Jeff Streepey regarding ASHA Complaint for Declaratory Relief with attachment: 270852_1.DOC	Work Product Attorney-Client
	October 6, 2009 7:16 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: Lillyemail6Oct09.pdf	Work Product Attorney-Client
	October 7, 2009 11:50 a.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: EmailResp7Octam.pdf	Work Product Attorney-Client
	October 8, 2009 at 9:48 a.m.	E-mail	E-mail from Germaine Johnson to Alan Balch with cc to to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
			Farms, Nelson Green, William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill, Joan Jones, Sandy Lilly, Misdee Miller, Fred Sarver, David Howard regarding Positive remarks on Trot.org	
	October 8, 2009 4:23 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill (2 messages)	Work Product Attorney-Client
	October 9, 2009 1:24 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill with attachment: AikmanUndulata9Oct09Email.pdf	Work Product Attorney-Client
	October 9, 2009 at 4:54 p.m.	E-mail	E-mail from Alan Balch to Joan Jones regarding Legal Action ("Complaint") As Filed	Work Product Attorney-Client
	October 10, 2009 12:30 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill, Joan Jones, Sandy Lilly, Misdee Miller, Fred Sarver, David Howard (7messages) regarding litigation	Work Product Attorney-Client
	October 12, 2009 at 10:32 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jim Ruwoldt, Jimmy Robertson, William Whitley, III, Bob Ruxer, Judith Werner, Barbara Molland with cc to Jeff Streepey, Joan Jones regarding Finance Committee Payroll (2 messages)	Work Product Attorney-Client
	October 14, 2009 at 11:51 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Judith Werner, Barbara Molland with cc to Jeff Streepey, Joan Jones regarding ASHA v Bennett, et al. (2 messages)	Work Product Attorney-Client
	October 14, 2009 at 7:07 p.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Judith Werner, Barbara Molland, Maryann Pardieck, Mary Anne regarding Kentucky Open Records Act	Work Product Attorney-Client
	October 26, 2009 5:03 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Joan Joan regarding American Saddlebred Registry with attachment: IR_NOTICE_ONLY_CLOSE_LETTER110001.pdf (2 messages)	Work Product Attorney-Client
	October 28, 2009 11:50 a.m.	E-mail	E-mail from Alan Balch to Barbara Molland, Judith Werner with cc to Joan Jones regarding ASHA v Bennett with attachment: 10-28-09.pdf	Work Product Attorney-Client
	October 28, 2009 4:04 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to bcowgill@pwm-jsl.com, phardin@pwm-jsl.com with cc to Joan Jones regarding American Saddlebred Horse Association	Work Product Attorney-Client

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
			Litigation with attachments: 1) LETTER TO LAMERE.pdf; 2) 10-28-09.pdf; and 3) ASHA Complaint.pdf (4 messages)	
	October 29, 2009 10:46 a.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis, Ann Hill, Joan Jones, Sandy Lilly, Misdee Miller, Fred Sarver, David Howard regarding Litigation/Countersuit	Work Product Attorney-Client
	November 2, 2009 7:05 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey with cc to Joan Jones regarding Draft (blankety blank) Minutes with attachment: MINSJOINTAssnRegBofD5-6Oct 09.doc (8 messages)	Work Product Attorney-Client
	November 6, 2009 10:17 a.m.	E-mail	E-mail chain beginning with e-mail from Katriona Adams to Jeff Streepey with cc to Alan Balch, Joan Jones regarding Invoice for Junior League Subpoena with attachment: Junior League Subpoena invoice.pdf (2 messages)	Work Product Attorney-Client
	November 17, 2009 10:50 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey with cc to Vicki Rice, Joan Jones, Ann Hill regarding ASHA v Bennett	Work Product Attorney-Client
	November 19, 2009 9:00 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Vicki Rice, Jeff Streepey, Joan Jones regarding Balnton Deposition (2 messages)	Work Product Attorney-Client
	November 19, 2009 10:02 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey regarding Runner/Balch Sched Planning	Work Product Attorney-Client
	November 23, 2009 4:06 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan Jones, Jeff Streepey regarding Insurance (8 messages)	Work Product Attorney-Client
	November 24, 2009 4:06 p.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Joan Jones, Jeff Streepey regarding Insurance (8 messages)	Work Product Attorney-Client
	November 24, 2009 8:24 a.m.	E-mail	E-mail from Alan Balch to Jeff Streepey regarding Insurance: Employment practices liability with attachment: INSEmployPRacticesNov09.pdf	Work Product Attorney-Client
	November 25, 2009 10:12 a.m.	E-mail	E-mail from Alan Balch to Joan Jones, Charlotte Tevis regarding Philadelphia Insurance and forwarding e-mail from Jeff Streepey to Alan	Work Product Attorney-Client
	December 9, 2009 5:02 p.m.	E-mail	E-mail from Alan Balch to Jeff Streepey, Joan Jones, Barbara Molland, Judith Werner regarding Insurance	Work Product Attorney-Client
	December 29, 2009 10:21 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Vicki Rice, Joan Jones, Jeff Streepey regarding ASHA v Bennett (2 messages)	Work Product Attorney-Client
	January 4, 2010 4:30 p.m.	E-mail	E-mail from Alan Balch to Judith Werner, vgillenwater, Barbara Molland, Paul Treiber, Jim Ruwoldt, Charles R. Herbert Jr., CarolMatton, Maryann Pardieck, Alan Raun, Jimmy Robertson, Carol Holden, Margaret McNeese, Art Zubrod, Betsy Boone, Winsdown Farms, Nelson Green, Germaine C. Johnson; William Whitley III, Lisa Duncan, Mary Anne, Brian Reimer, bobr@fullnet.com, with cc to Jeff Streepey, Charlotte Tevis	Work Product Attorney-Client
	January 6, 2010 10:00 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Vicki Rice, Joan Jones, Ann Hill regarding ASHA v Bennett, et al. (3 messages)	Work Product Attorney-Client
	January 18, 2010 3:26 a.m.	E-mail	E-mail from Jeffrey S. Korfhage to Vgillenwater@aol.com with cc to redwingfarm.werner@gmail.com;	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
			paul@walshproducts.com; jimmy@infinitystables.com; carolmatton@core.com; cedfa3@aol.com; reedannland@att.net; reverie299@aol.com; Mary Ann Pardieck; BMolland@farfieldfarm.com; jimruw@att.net; azubrod@ix.netcome.com regarding Alan Balch	
	January 18, 2010 11:49 a.m.	E-mail	E-mail chain ending with e-mail from Alan Balch to Judith Werner; Jim Ruwoldt; Barbara Molland; Victoria Gillenwater; Paul Treiber; Art Zubrod; Betsy Young Boone; Carol Holden; Charles Herbert, Jr.; Dr. Alan Raun; Germaine C. Johnson; William G. Whitley III; Jimmy Robertson; Louise Gilliland; M.D. Margaret C. McNeese; Mary Anne Cronan; Nelson Green; Scott Matton; Bob Ruxer; Lisa B. Duncan; Brian Reimer; Mary Ann Pardieck with cc to: Jeff Streepey; Brenda Newell; William Wood, Jr.; Brice Carr regarding private Korfhage correspondence	Work Product
	January 18, 2010 12:38 p.m.	E-mail	E-mail chain ending with e-mail from vgillenwater@aol.com to a.balch@asha.net; redwingfarm.werner@gmail.com; jimruw@att.net; bmolland@farfieldfarm.com; paul@walshproducts.com; azubrod@ix.netcome.com; boonescabin@aol.com; carga@bellsouth.net; cedfa3@aol.com; reedannland@att.net; auburntiger@insightbb.com; packwuf@att.net; jimmy@infinitytables.com; winsdown@cherokeetel.com; Margaret.c.mcneese@uth.tmc.educ; macron@insightbb.com; reverie299@aol.com; CarolMatton@core.com; bobr@fullnet.com; lisabduncan2@aol.com; reimerstables@mindspring.com; maryannpardieck@gmail.com with cc to JStreepey@bsg-law.com; b.newell@asha.net; w.wood@asha.net; b.carr@asha.net regarding Private: Korfhage Correspondence	Work Product
	January 18, 2010 7:20 p.m.	E-mail	E-mail chain ending with e-mail from cedfa3@aol.com to macron32@gmail.com; redwingfarm.werner@gmail.com; vgillenwater@aol.com; a.balch@asha.net; jimruw@att.net; bmolland@farfieldfarm.com; paul@walshproducts.com; azubrod@ix.netcome.com; boonescabin@aol.com; carlga@bellsouth.net; reedannland@att.net; auburntiger@insightbb.com; packwuf@att.net; jimmy@infinitystables.com; winsdown@cherokeetel.com; Margaret.c.mcneese@uth.tmc.edu; macron@insightbb.com; reverie299@aol.com; CarolMatton@core.com; bobr@fullnet.com; lisabduncan2@aol.com; reimerstables@mindspring.com; maryannpardieck@gmail.com; JStreepey@bsg-law.com; b.newell@asha.net; w.wood@asha.net; b.carr@asha.net regarding Private: Korfhage Correspondence	Work Product
	January 21, 2010 7:26 a.m.	E-mail	E-mail from Alan Balch to Vicki Rice, Jeff Streepey, Joan Jones regarding ASHA Material (5 messages)	Work Product Attorney-Client
	January 23, 2010 9:41 a.m.	E-mail	E-mail from Alan Balch to Joan Jones regarding Coven and forwarding e-mail sent to Judith Werner, Barbara Molland, Jeff Streepey	Work Product Attorney-Client
	January 29, 2010 11:53 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Jeff Streepey, Joan Jones regarding Landmark Insurance with attachment: BennettInsuranceLandmarkJan10.pdf	Work Product Attorney-Client
	January 31,	E-mail	E-mail from Alan Balch to Katriona Adams; Brenda Newell;	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	2010 11:59 a.m.		Charloette Tevis; Jeff Streepey; Joan Jones; Williams Wood, Jr. with cc to: Judith Werner; vgillenwater; Barbara Molland; Paul Treiber; Jim Ruwoldt; Mary Anne; Lisa Duncan; Charles R. Herbert, Jr. regarding convention planning	
	January 31, 2010 11:59 a.m.	E-mail	E-mail chain beginning with e-mail from Alan Balch to Katriona Adams; Brenda Newell; Charloette Tevis; Jeff Streepey; Joan Jones; Williams Wood, Jr. with cc to: Judith Werner; vgillenwater; Barbara Molland; Paul Treiber; Jim Ruwoldt; Mary Anne; Lisa Duncan; Charles R. Herbert, Jr. regarding convention planning (6 messages)	Work Product
	January 31, 2010 1:09 p.m.	E-mail	E-mail chain ending with e-mail from Barbara Molland to Alan Balch; Katriona Adams; Brenda Newell; Charlotte Tevis; Jeff Streepey; Joan Jones; William Wood, Jr. regarding convention planning with discussion of litigation	Work Product
	February 1, 2010 9:07 a.m.	E-mail	E-mail chain ending with e-mail from Alan Balch to Barbara Molland, Judith Werner, Brenda Newell, William Wood, Jr. regarding convention planning with discussion of litigation	Work Product
	February 1, 2010 1:33 p.m.	E-mail	E-mail chain ending with e-mail from Barbara Molland to William Wood, Jr.; cc: Alan Balch; Katriona Adams; Brenda Newell; Charlotte Tevis; Jeff Streepey; Joan Jones; Judity Werner; vgillenwater; Paul Treiber; Jim Ruwoldt; Mary Anne; Lisa Duncan; Charles R. Herbert, Jr. regarding convention planning with discussion of litigation	Work Product
	February 1, 2010 2:07 p.m.	E-mail	E-mail chain ending with e-mail from Barbara Molland to William Wood, Jr.; cc: Alan Balch; Katriona Adams; Brenda Newell; Charlotte Tevis; Jeff Streepey; Joan Jones; Judity Werner; vgillenwater; Paul Treiber; Jim Ruwoldt; Mary Anne; Lisa Duncan; Charles R. Herbert, Jr. regarding convention planning with discussion of litigation	Work Product
	February 9, 2010 1:48 p.m.	E-mail	E-mail from Alan Balch to Joan Jones forwarding email from Jeff Streepey with legal advice	Work Product Attorney-Client
	February 16, 2010 11:10 a.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey regarding ASHA Humana Insurance with attachment: 2673_001.pdf (3 messages)	Work Product Attorney-Client
	February 16, 2010 7:43 p.m.	E-mail	E-mail chain beginning with e-mail from Linda VanFossen to Joan Jones regarding Am Saddlebred Assoc (TW) with attachment: comments.png (17 messages)	Work Product Attorney-Client
	February 17, 2010 2:57 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey regarding ASHA-Humana (3 messages)	Work Product Attorney-Client
	February 23, 2010 1:44 p.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Joan Jones with cc to Judy Werner regarding insurance (4 messages)	Work Product Attorney-Client
	February 23, 2010 10:47 a.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey with cc to Judith Werner regarding information -- AFB with attachment: 2716_001.pdf	Work Product Attorney-Client
	February 23, 2010 2:47 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey with cc to Judith Werner regarding Letter to Alan F. Balch with attachment: 2725_001.pdf (3 messages)	Work Product Attorney-Client
	February 23, 2010 3:17 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey with cc to Judith Werner regarding Alan	Work Product Attorney-Client
	March 2, 2010 8:00 a.m.	E-mail	E-mail from Joan Jones to Jeff Streepey with cc to Judith Werner with attachment: 2779_001.pdf	Work Product Attorney-Client
	March 3, 2010	E-mail	E-mail from Joan Jones to Judith Werner, Barbara Molland,	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	11:19 a.m.		Jeff Streepey with attachment: 2796_001.pdf	Attorney-Client
	March 4, 2010 1:35 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey regarding Ann Hill Unemployment with attachment: 2811_001.pdf (2 messages)	Work Product Attorney-Client
	March 6, 2010 8:56 a.m.	E-mail	E-mail from Joan Jones to Jeff Streepey regarding Unemployment	Work Product Attorney-Client
	March 8, 2010 10:11 a.m.	E-mail	E-mail from Joan Jones to Jeff Streepey with cc to Judith Werner regarding Front of Form with attachment 2831_001.pdf	Work Product Attorney-Client
	March 8, 2010 12:54 p.m.	E-mail	E-mail from Joan Jones to Jeff Streepey regarding Ky Unemployment info with attachment: 2855_001.pdf	Work Product Attorney-Client
	March 10, 2010 8:26 a.m.	E-mail	E-mail from Joan Jones to Jeff Streepey regarding email address of Vicki Rice	Work Product Attorney-Client
	March 11, 2010 10:38 a.m.	E-mail	E-mail chain beginning with e-mail from Vicki Rice to Joan Jones regarding ASHA v. Bennett, et al. (5 messages)	Work Product Attorney-Client
	March 12, 2010 10:51 a.m.	E-mail	E-mail from Joan Jones to Jeff Streepey regarding Ann Hill Unemployment with attachment: 2886_001.pdf	Work Product Attorney-Client
	March 14, 2010 11:01 a.m.	E-mail	E-mail from Vicki Rice to Joan Jones regarding ASHA v. Bennett et al.	Work Product Attorney-Client
	March 15, 2010 7:06 p.m.	E-mail	E-mail from Joan Jones to Vicki Rice regarding: "My meeting today"	Work Product Attorney-Client
	March 15, 2010 7:08 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Vicki Rice regarding previous messages (6 messages)	Work Product Attorney-Client
	March 17, 2010 3:07 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Vicki Rice regarding ASHA v. Bennett, et al.(6 messages)	Work Product Attorney-Client
	March 24, 2010 10:47 a.m.	E-mail	E-mail from Joan Jones to Jeff Streepey, Judity Werner regarding A. Balch with attachment: 2995_001.pdf	Work Product Attorney-Client
	April 5, 2010 12:02 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Barbara Molland regarding BSG invoice with attachment: 3068_001.pdf (7 messages)	Work Product Attorney-Client
	April 9, 2010 12:43 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Bill Whitley regarding BSG invoice with attachment: 3106_001.pdf (3 messages)	Work Product Attorney-Client
	April 9, 2010 2:17 p.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Joan Jones, Judy Werner regarding Alan's deferred compensation (4 messages)	Work Product Attorney-Client
	April 12, 2010 9:17 a.m.	E-mail	E-mail from Jeff Streepey to Joan Jones regarding Directors and Officers Liability Insurance	Work Product Attorney-Client
	April 12, 2010 9:38 a.m.	E-mail	E-mail from Joan Jones to Jeff Streepey regarding D&O – ASHA with attachment: 3112_001.pdf	Work Product Attorney-Client
	April 13, 2010 9:14 a.m.	E-mail	E-mail from Katriona Adams to Dede Gatlin regarding Advertising in the context of litigation	Work Product Attorney-Client
	April 14, 2010 2:37 p.m.	E-mail	E-mail from Jeff Streepey to Joan Jones regarding Alan's deferred compensation in the context of litigation and to elicit /provide legal advice	Work Product Attorney-Client
	April 14, 2010 2:45 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey regarding Deferred Company (6 messages)	Work Product Attorney-Client
	April 15, 2010 2:13 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey regarding deferred compensation (7 messages)	Work Product Attorney-Client
	April 16, 2010 12:22 p.m.	E-mail	E-mail from Charlotte Tevis to Barbara Molland, Judy Werner with cc to Katriona Adams, Joan Jones regarding Invoice – Daniel Danford with attachment: 3178_001.pdf	Work Product Attorney-Client
	April 17, 2010	E-mail	E-mail from Judith Werner to Joan Jones regarding American	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	3:22 p.m.		Saddlebred Horse Association v Bennett et al, Claim 404451 forwarding e-mail from Jeff Streepey	Attorney-Client
	April 21, 2010 3:45 p.m.	E-mail	E-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Barbara Molland regarding ASHA 1st Qtr. Legal Invoice with attachment: 3228_001.pdf	Work Product Attorney-Client
	April 21, 2010 3:46 p.m.	E-mail	E-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Barbara Molland regarding ASR 1st Qtr. Legal Invoice with attachment: 3229_001.pdf	Work Product Attorney-Client
	April 27, 2010 8:47 a.m.	E-mail	E-mail from Judith Werner to Joan Jones regarding Insurance forwarding Jeff Streepey's e-mail (3 messages)	Work Product Attorney-Client
	April 28, 2010 11:23 a.m.	E-mail	E-mail from Joan Jones to Judith Werner, Jeff Streepey regarding insurance claim	Work Product Attorney-Client
	April 29, 2010 8:18 a.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey with cc to Judith Werner regarding Insurance (3 messages)	Work Product Attorney-Client
	April 29, 2010 10:07 a.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Jeff Streepey with cc to Judith Werner regarding Philadelphia Insurance (8 messages)	Work Product Attorney-Client
	May 10, 2010 4:49 p.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Joan Jones with cc to Judy Werner regarding Alan Balch with attachment: BALCH AGREEMENT.pdf (4 messages)	Work Product Attorney-Client
	May 11, 2010 9:47 a.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Joan Jones with cc to Judy Werner regarding Alan Balch (2 messages)	Work Product Attorney-Client
	May 11, 2010 1:29 p.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Joan Jones regarding Balch Bank Routing Info (2 messages)	Work Product Attorney-Client
	May 12, 2010 9:41 a.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Joan Jones with cc to Judy Werner regarding ASHA tax return (3 messages)	Work Product Attorney-Client
	May 13, 2010 10:52 a.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Jeff Streepey regarding Deferred Compensation with attachment: 3417_001.pdf (2 messages)	Work Product Attorney-Client
	May 13, 2010 11:37 a.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Jeff Streepey regarding A. Balch with attachments: 1) 3418_001.pdf; 2) 3419_001.pdf (6 messages)	Work Product Attorney-Client
	May 14, 2010 12:59 p.m.	E-mail	E-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Jeff Streepey regarding A. Balch with attachment: 3431_001.pdf	Work Product Attorney-Client
	May 14, 2010 1:16 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Jeff Streepey regarding ABalch Settlement #1 with attachment: 3434_001.pdf (6 messages)	Work Product Attorney-Client
	May 17, 2010 11:36 a.m.	E-mail	E-mail from Jeff Streepey to Judith Werner, Joan Jones with attachment: 5-17-10 LETTER TO GETTY.pdf	Work Product Attorney-Client
	May 17, 2010 1:06 p.m.	E-mail	E-mail chain beginning with e-mail from Joan Jones to Judith Werner, Jeff Streepey (4 messages) re Humana	Work Product Attorney-Client
	June 14, 2010	E-mail	E-mail from Joan Jones to Judith Werner, Jim Ruwoldt, Barbara Molland regarding legal fees with attachment 3611_001.pdf	Work Product Attorney-Client
	June 22, 2010 9:51 a.m.	E-mail	E-mail chain beginning with e-mail from Judith Werner to Jeff Streepey with cc to Paula Johnson, Joan Jones, Jim Ruwold regarding review of 2009 tax returns (2 messages)	Work Product Attorney-Client
	July 2, 2010 4:08 p.m.	E-mail	E-mail from Paula Johnson to Joan Jones regarding institutional investments with attachment: INSTITUTIONAL FUNDS.pdf and forwarding e-mail from Jeff Streepey	Work Product Attorney-Client
	December 2,	E-mail	E-mail chain beginning with e-mail from Judith Werner to	Work Product

BATES NO.	DATE	TYPE	DOCUMENT DESCRIPTION	Privilege Claimed
	2010 12:54 p.m.		Paula Johnson, Jeff Streepey regarding Ruling (9 messages)	Attorney-Client
	Decenber 2m 2010 2:25 p.m.	E-mail	E-mail from Joan Jones to Jeff Streepey regarding lawsuit with attachment: 4672_001.pdf	Work Product Attorney-Client
	December 2, 2010 4:01 p.m.	E-mail	E-mail from Jeff Streepey to Paula Johnson with attachment ASHA's Response to Def's First Set of Rogs.RFPDs.pdg	Work Product Attorney-Client
	December 3, 2010 10:07 a.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Paula Johnson regarding classes of protected documents (3 messages)	Work Product Attorney-Client
	December 3, 2010 2:49 p.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Judy Werner, Barbara Molland, Paula Johnson regarding ASHA v Bennett (6 messages)	Work Product Attorney-Client
	December 10, 2010 9:18 a.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Paula Johnson with cc to Jeff Adamson regarding ASHA v Bennett (3messages)	Work Product Attorney-Client
	December 15, 2010 4:34 p.m.	E-mail	E-mail chain beginning with e-mail from Jeff Streepey to Paula Johnson regarding FW: ASHA v Edward R. Bennett, et al. (3 messages) with attachment 12-14-10 Houston to Stopher.pdf	Work Product Attorney-Client
	December 23, 2010 4:38 p.m.	E-mail	E-mail chain beginning with e-mail from Jeff Adamson to Jeff Streepey, Earl Martin, Paula Johnson, Edward Stopher with cc to Vicki Rice with attached Response to Defendants' Opposition to Proposed Final Judgment Tendered by Plaintiff (15 messages)	Work Product Attorney-Client

***Yellow highlight = missing attachments