

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Lisa Thompson v. Westinghouse Electric Company, LLC

Thompson · No. 2:24-cv-01347 · Decided March 30, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Plaintiff Lisa Thompson’s objection to the Magistrate Judge’s order concerning a motion to compel. Applying the clearly erroneous standard under Federal Rule of Civil Procedure 72(a), the court found no error in the determination that the motion was untimely and that a clawback request was proper because the inadvertently produced document was privileged.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Greg G. Guidry
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 30, 2026
DOCKET	2:24-cv-01347
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to the magistrate judge's order denying her motion to compel and to the magistrate judge's order on reconsideration, which found the document labeled WESTINGHOUSE 000270 privileged and upheld the clawback request.
STANDARD OF REVIEW	Clearly erroneous review under Federal Rule of Civil Procedure 72(a) for a non-dispositive pretrial order.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Lisa Thompson v. Westinghouse Electric Company, LLC

TOPICS

- discovery dispute
- attorney client privilege
- work product doctrine
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge clearly erred in determining that Plaintiff's motion to compel was untimely.
2. Whether the magistrate judge clearly erred in finding that WESTINGHOUSE 000270 was privileged and that Defendant could properly claw back the inadvertently produced document.
3. Whether inadvertent production waived Defendant's right to assert attorney-client or work-product protection over the document.

HOLDINGS

1. The district court found no clear error in the magistrate judge's determination that Plaintiff's motion to compel was untimely and denied the objection.
2. The court rejected Plaintiff's argument that Defendant waived its right to assert privilege over the document merely because the document was inadvertently produced.

KEY QUOTATIONS

“Applying a clearly erroneous standard of review of a non-dispositive, pretrial motion, such as a motion to compel, the Court finds no clear error in the Magistrate Judge's ruling.”

“The Court finds no merit to Plaintiff's argument that Defendant waived its right to assert privilege over the attorney-client work product when it inadvertently produced the document.”

FACTUAL BACKGROUND

Plaintiff sought to compel production of documents. The magistrate judge found the motion to compel untimely and later determined that document WESTINGHOUSE 000270 was protected by privilege, despite its inadvertent production, so Defendant's clawback request was proper.

PROCEDURAL HISTORY

The magistrate judge determined that Plaintiff's motion to compel was untimely. On reconsideration, the magistrate judge reaffirmed that determination and held that the inadvertently produced document was privileged, making Defendant's clawback request proper. The district court reviewed the objection under the clearly erroneous standard applicable to a non-dispositive pretrial order and denied the motion.

DISPOSITION

other

CASES CITED

- Castillo v. Frank, 70 F.3d 382 (5th Cir. 1995)

OPINION

Thompson

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF LOUISIANA

LISA THOMPSON,)

) Plaintiff,) CIVIL ACTION NO.: 24-01347) Vv.))

) JUDGE: GREG G. GUIDRY

) WESTINGHOUSE ELECTRIC) MAGISTRATE: MICHAEL B.

COMPANY, LLC,) NORTH

) Defendant.)

ORDER AND REASONS

Having considered the Objection to the Magistrate Judge's Order (R. Doc. 63), and Defendant's response thereto (R. Doc. 67); IT IS ORDERED that the Motion is DENIED. The Magistrate Judge determined that Plaintiff's Motion to Compel was untimely (R. Doc. 53), and, on motion for reconsideration, the Magistrate Judge reiterated its initial determination and also found that the document labeled as WESTINGHOUSE 000270 was privileged, such that the claw back request was proper. (R. Doc. 62). Applying a clearly erroneous standard of review of a non-dispositive, pretrial motion, such as a motion to compel, the Court finds no clear error in the Magistrate Judge's ruling. See Fed. R. Civ. P. 72(a); Castillo v. Frank, 70 F.3d 382 (Sth Cir. 1995). The Court finds no merit to Plaintiff's argument that Defendant waived its right to assert privilege over the attorney-client work product when it inadvertently produced the document. New Orleans, Louisiana, this 30th_ day of March (|

JUDGE A EG GERARD GUIDRY “|

UNITED STATES DISTRICT COURT JUDGE