This cause came on for hearing upon the Defendant's Motion to Compel Discovery and the Plaintiff's Motion for a Protective Order from such discovery.

The Defendants sought to discover the following documents:

Document No. 1: A letter from Gary Smith, Summit County Legal Aid, Staff Attorney, to Marcia Muske, Supervisor, Complaint Section, dated March 30, 1981.

<u>Document No. 2:</u> Letter from Gary Smith to Marcia Muske, dated February 3, 1981.

Document No. 3: Memorandum from complaint specialist, Jill Todd (*) Marcia Muske, dated February 27, 1981.

<u>Document No. 4:</u> Memorandum from Marcia Muske to James Stremanos, Chief Investigator, dated April 7, 1981.

<u>Document No.</u> 6: The personal statement of Joanne Persinger, Consumer, by Peggy Concilla. Dated June 8, 1981.

<u>Document No. 9:</u> Memorandum from William C. Becker to James Meaney, dated April 25, 1982.

<u>Document No. 10:</u> Affidavit from Consumer, Joanne Parsinger, dated March 22, 1982.

Upon due consideration thereof, it is hereby ORDERED that Defendant's Motion for the discovery of these documents is deniced.

The Defendants have sought to discover intra-governmental memorandum from the Attorney General's Office which is privileged from discovery under the executive privilege. Stiftung v. Zeiss, Juna, 40 F.R.D. 318 (D.C. 1966), affid. per durium without opinion, 384 S. 2d 979 (D.C. Cir. 1967), cert denied 389 U.S. 352 (1967). This executive privilege recognizes that internal memorandum generated by government bodies contain advice, recommendations, strategies, loyal theories, and

other important information that goes directly to the governmental units decision and policy making. It is essential for the efficient and effective workings of a governmental unit that such information be privileged from discovery so that the governmental unit may freely communicate within itself in order to develop policy and make decisions.

Defendants have also sought to discover the Plaintiff's trial preparation materials which are privileged from discovery. See Ohio Civil Rule 26(B)(3); Hickman v. Taylor, 329 U.S. 495 (1947). This privilege protects the discovery of materials prepared in anticipation by the Plaintiff's attorney or by the Plaintiff's investigator, who is an agent for the attorney.

Feb 4 83

JUDGE, COMMON PLEAS COURT

V1007 P 735