

CAUSE NO. 199-596-97

DSC COMMUNICATIONS CORPORATION,

Plaintiff,

v.

EVAN BROWN,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

COLLIN COUNTY, TEXAS

219TH JUDICIAL DISTRICT

**ORDER GRANTING DSC'S MOTION FOR PROTECTION**

Came on for consideration before the Court, Plaintiff DSC's Motion for Protective Order. The parties appeared in person and announced ready to proceed on the Motion. After considering the arguments of counsel and the pleadings on file, the Court is of the opinion that the Motion is well-taken and that protection should be granted. Specifically, the Court finds that the June 10, 1996 Draft Release (Ex. 3 to the Deposition of Evan Brown) is protected by the Attorney-Client Privilege and the Attorney Work Product Doctrine. The Draft Release was written by an attorney, intended for distribution only to persons within DSC's in-house legal department, was written as part of the rendition of legal services to DSC, and was written at a time when a reasonable person would conclude that there was a substantial chance of litigation concerning ownership of the Solution. Given the expedited circumstances of the deposition in question, Counsel for DSC took reasonable precautions to protect against the disclosure, and terminated discussion of the Draft Release upon first learning of its privileged nature. In addition, given the circumstances in this case, there was no unreasonable delay on the part of DSC in taking steps to address the disclosure, and the extent of the disclosure was limited. Further, the disclosure of the Draft Release was based on a mistake of fact.

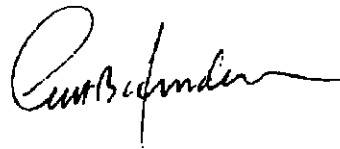
It is therefore ORDERED that Plaintiff's Motion for Protective Order shall be and hereby is GRANTED as follows:

Pending further order of the Court, the Defendant and his attorneys are ORDERED to cease any further reference to the Draft Release during the discovery process. Defendant shall obtain all copies of the Draft Release that are within the possession, custody, or control of Defendant and his attorneys of record and hold them for safe keeping with his counsel of record, Eric Pearson.

Pending further order of the Court, it is ORDERED that Defendant and his attorneys shall not refer to or use the Draft Release or any information contained within the Draft Release in this litigation.

It is ORDERED that a pretrial conference be held at such time as is convenient for the parties and the court, to consider 1) the admissibility of the Draft Release, 2) whether further reference to the Draft Release would result in undue expense, confusion and unfair prejudice, and 3) any other issue relating to the Draft Release, its return to DSC, or its use in this litigation.

SIGNED this 4th day of September, 1997.



---

**Curt B. Henderson**  
Judge Presiding