

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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:
LUKASZ GOTTWALD p/k/a DR. LUKE; KASZ :
MONEY, INC.; and PRESCRIPTION SONGS, :
LLC, :
:
Plaintiffs, :
:
-against- :
:
KESHA ROSE SEBERT p/k/a KESHA, :
:
Defendant. :
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KESHA ROSE SEBERT p/k/a KESHA, :
:
Counterclaim-Plaintiff, :
:
-against- :
:
LUKASZ GOTTWALD p/k/a DR. LUKE; KASZ :
MONEY, INC.; PRESCRIPTION SONGS, LLC; :
and DOES 1-25, inclusive, :
:
Counterclaim-Defendants. :
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Index No. 653118/2014
Part 54
Justice Kornreich

**[PROPOSED] ORDER
REGARDING PRODUCTION OF
ENTRIES FROM SUNSHINE
SACHS'S PRIVILEGE LOG**

WHEREAS, on January 3, 2017, the Court ordered Kesha to produce “the draft complaint shown to General Counsel of Sony Music Entertainment.” Dkt. 619. The Court further ordered that draft complaints not shown to the General Counsel of Sony Music Entertainment “are privileged, and Kesha need not produce them.” *Id.*

WHEREAS, on March 10, 2017, the Court similarly ordered that draft complaints “not shared with Sony were privileged, but that there [is] no privilege for the draft shown to Sony.” Dkt. 795.

WHEREAS, on October 13, 2017, third-party Sunshine Sachs submitted a privilege log in connection with its document production made in response to Plaintiffs' July 3, 2017 subpoena. Sunshine Sachs withheld from the document production and included on its privilege log three e-mails, dated October 8, 2014, October 13, 2014, and October 14, 2014, transmitting draft complaints (Entries Nos. 1, 2, 21, 22, 219, and 220).

WHEREAS, on November 8, 2017, the Court ordered Kesha to "explain why the withholding and logging of draft California complaints was consistent with the court's orders dated January 3 and March 10, 2017 (Dkts. 619 & 795)."

WHEREAS, the parties thereafter participated in telephonic conferences with the Court regarding this issue on November 15 and December 5, 2017, and January 16, 2018. On November 20 and 28, 2017, Kesha filed letters in support of her position that the six documents were properly withheld. *See* Dkt. Nos. 1148 & 1149. On December 1, 2017, Plaintiffs filed a letter in support of their position that the six documents should be produced in their entirety. *See* Dkt. No. 1150.

IT IS HEREBY ORDERED that Sunshine Sachs will produce by January 31, 2018 Entries Nos. 1, 2, 21, 22, and 220 of the Sunshine Sachs privilege log. Kesha may redact under the attorney work-product privilege all paragraphs in Entries Nos. 2, 22, and 220 that contain revisions to the draft complaint that was produced in this litigation bearing the Bates stamp GSM000313-348. Entry No. 219 may be withheld in its entirety under the attorney work-product privilege.

Dated: _____

SO ORDERED:

J.S.C.