

Work product privilege

Business



According to Pilgrim's Pride Corporations Statement of Safety Policy, any accident involving a company vehicle should be reviewed by the Accidents Review Board to determine the causes of the accidents, and to give recommendations for prevention.

Issue

What materials qualify for the doctrine of " Work Product Privilege?" and do internal investigation documents and reports prepared by one party qualify for discovery by another party?

Holding

In order for any document to qualify for the doctrine of Work Product Privilege, they should be created in anticipation of litigation. These materials are, therefore, known as " trial preparation" materials. Any documents or reports created in the normal course of business does not qualify as " work product", therefore, Howell should disclose these documents.

Decision

The Court of Appeals upheld the decision by the trial court that compels Howell to produce the relevant documents.

Analysis

The Court of Appeals held that the trial court did not abuse its discretion in compelling the discovery of the accident report, the social security number of the driver and the non-privileged documents Howell reviewed with Lawrimore while preparing for his deposition.

<https://assignbuster.com/work-product-privilege/>

According to the Rules of Evidence, Rule 612, West's N. C. G. S. A § 8C-1, materials prepared in the ordinary course of business, as is the case, are not protected from discovery and thus, due to the fact that their preparation is done without necessary anticipating litigation.

The defendants had already began the process of preparing the documents required for disclosure before seeking legal advice. Therefore, the documents were not worked on product material.