

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN W. FERRON,

Plaintiff,

v.

Case No. 2:06-cv-322

JUDGE GREGORY L. FROST

Magistrate Judge Mark R. Abel

VC E-COMMERCE SOLUTIONS, INC., et al.,

Defendants.

ORDER

This matter is before the Court for consideration of Defendant VC E-Commerce Solutions, Inc.'s Motion Concerning Application of the Spousal Privilege to Documents and Testimony Sought from Leah Ferron. (Doc. # 109.) This motion asks the Court to establish the parameters under which Plaintiff's wife, Leah Ferron, could assert the spousal privilege at her upcoming deposition and in response to a subpoena Defendant issued.

On October 8, 2007, Plaintiff (and by extension, his spouse, who is represented by the same counsel) filed a response (Doc. # 111) that has now disavowed Leah Ferron's reliance on the spousal privilege, despite the earlier assertion of reliance on the privilege at the August 29, 2007 status conference. Accordingly, the spousal privilege has now been expressly waived, and it cannot be subsequently asserted. Defendant's motion (Doc. # 109) is therefore **MOOT**, and the Clerk is instructed to terminate the motion on the docket.

In the response, Plaintiff has indicated that Leah Ferron will now assert the attorney-client privilege at her deposition and in response to Defendant's subpoena. Although not presented as a motion seeking to obtain the Court's guidance on the applicability or lack thereof

