

In re: WILLIAM LAWRENCE LENEVE, Debtor.

SONEET R. KAPILA, Plaintiff,

v.

WLN FAMILY LIMITED PARTNERSHIP,
CARLAYNE HOLLOWAY and LEE HOLLOWAY,

Defendants.

CASE NO. 03-36439-BKC-PGH
ADV. NO: 04-3014-BKC-PGH-A

Court granted the Trustee's Second Motion to Compel Gerald R. McKinney to Release Documents Claimed as Privileged. The Court employed a balancing test to determine whether the Trustee could unilaterally assume and waive the attorney-client privilege asserted by an individual debtor. The Court found that the interests of the Trustee in recovering an alleged fraudulent conveyance outweighed the potential harm to the Debtor in waiving the privilege. The Court ordered that the documents in the Debtor's attorney's privilege log relating to the transfer of real property formerly owned by the Debtor be produced to the Trustee.