

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:** §  
§  
**BOYD VEIGEL, P.C.** § **CASE NO. 09-43943-R**  
§ **CHAPTER 7**  
**DEBTOR** §

**ORDER REGARDING CHARLES D. WATSON’S MOTION TO DIRECT  
THE LOS ANGELES POLICE DEPARTMENT TO TURNOVER  
AUDIO RECORDINGS TO KENDRICK JAN AFTER EXAMINATION**

This case is before the Court on the motion of Charles D. Watson to direct the Los Angeles Police Department (“LAPD”) to turnover certain audio recordings to Watson’s attorney after the LAPD examines the recordings. In his motion, Watson expresses concern that the contents of the recordings may be hurtful to the families of his victims in the Tate-La Bianca murders. This Court previously determined that Watson waived his attorney-client privilege with respect to the recordings. The Court entered an order on May 31, 2012, directing the chapter 7 trustee to turnover the recordings to the LAPD.

To the extent Watson seeks reconsideration of this Court’s prior order granting the chapter 7 trustee’s motion to direct her to turnover the recordings to the LAPD, Watson failed to establish any grounds for relief under Federal Rule of Bankruptcy Procedure 9023 (incorporating Federal Rule of Civil Procedure 59). The evidence presented at the prior hearing established that Watson voluntarily executed a written waiver of his attorney-client privilege with respect to the recordings and that he voluntarily allowed copies of the recordings to be sold to pay his attorney’s fees. The public disclosure authorized by Watson permanently waived his attorney-client privilege as to the recordings. As another court explained, “[t]he privacy for the sake of which the

privilege was created was gone by [his] own consent, and the privilege does not remain under such circumstances for the mere sake of giving the client an additional weapon to use or not at his choice.” *Green v. Crapo*, 62 N.E. 956, 959 (Mass. 1902) (Holmes, J.). *See also, e.g., In re von Bulow*, 828 F.2d 94, 103 (2d Cir. 1987) (publication of book by attorney with client’s consent waived privilege as to communications revealed; no waiver as to other undisclosed communications); *United States v. Dakota*, 197 F.3d 821, 825-26 (6th Cir. 1999) (consent to inspection of documents containing communications with attorney waived privilege); *In re Burnette*, 85 P. 575, 583 (Kan. 1906) (procured stranger to read an unfiled pleading, published contents in newspaper interview, and spread substance on record of a court in a pleading). To the extent Watson seeks a remedy regarding the LAPD’s use of the recordings, or to prevent their release to the media, such matters are governed by non-bankruptcy law and can be addressed to a court of competent jurisdiction. Accordingly,

**IT IS ORDERED** that Watson’s motion is **DENIED** without prejudice to his ability to pursue his argument that the LAPD should be prevented from disclosing the contents of the recordings to the general public in a non-bankruptcy forum of appropriate jurisdiction.

Signed on 6/13/2012

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HONORABLE BRENDA T. RHOADES,  
CHIEF UNITED STATES BANKRUPTCY JUDGE