

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WILLIAM BASKERVILLE :
 :
 v. :
 :
 UNITED STATES OF AMERICA :

Civ. No. 13-5881 (JAP)
Crim. No. 03-836 (JAP)

ORDER

RECEIVED

FEB 24 2014

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

This matter having been opened to the Court by the United States (Paul J. Fishman, United States Attorney, by Robert Frazer, Assistant U.S. Attorney, appearing), upon notice to Petitioner William Baskerville, *pro se*, for an Order granting the United States permission to interview Petitioner's former defense counsel, Carl J. Herman, Esq., Kenneth W. Kayser, Esq., and Mark A. Berman, Esq. in connection with the United States's preparation of its response to Petitioner's pending motion to vacate, set aside, or correct his sentence pursuant to Title 28, United States Code, Section 2255, which alleges, *inter alia*, that petitioner received ineffective assistance of counsel both at the trial of stage and at the appeal stage, and it appearing that the United States's interview of trial and appellate counsel concerning any discussions they may have had with Petitioner regarding matters raised in the 2255 motion is necessary to the preparation of the United States's response to the pending motion, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that:


1. Petitioner's claim of ineffective assistance of counsel impliedly waives the attorney-client privilege with respect to communications with petitioner's attorneys necessary to prove or disprove Petitioner's allegations. Accordingly, trial counsel for Petitioner, Mr. Herman and Mr.

Kayser, and appellate counsel for Petitioner, Mr. Berman, shall each submit to an interview by the United States's counsel for the purpose of providing all reasonably necessary information concerning Petitioner's claims of ineffective assistance of counsel.

2. The United States's interview of trial and appellate counsel is necessary to facilitate its response to, as well as this Court's consideration of, Petitioner's pending motion pursuant to 28 U.S.C. § 2255.

WHEREFORE, it is on this 24 day of Feb 2014,

ORDERED that the United States may interview Petitioner's former defense counsel, Carl J. Herman, Esq., Kenneth W. Kayser, Esq., and Mark A. Berman, Esq., who shall provide all reasonably necessary information for the United States to respond to the ineffective assistance of counsel allegations raised by their former client, Petitioner William Baskerville.



HON. JOEL A. PISANO
UNITED STATES DISTRICT JUDGE