IN THE UNITED STATES DISTRICT COURTS

FOR THE EASTERN DISTRICT OF CALIFORNIA

AND THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES

PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

RALPH COLEMAN, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

NO. CIV S-90-0520 LKK JFM P

THREE-JUDGE COURT

MARCIANO PLATA, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

NO. C01-1351 TEH

THREE-JUDGE COURT

ORDER RE: DEFENDANTS' REQUEST FOR CLARIFICATION

Defendants have filed a request for clarification of this court's December 14, 2007 order granting in part their request for reconsideration of the magistrate judge's December 6, 2007 order.[1] In their request, defendants state generally that they are "unclear regarding what portions, if any" of the magistrate judge's order "remain in effect." Defs.' Request for Clarification of the Three-Judge Panel's December 14, 2007 Order, filed December 21, 2007, at 2. Defendants do not specifically address any particular provisions of the magistrate judge's order.

[1]The magistrate judge's December 6, 2007 ruling was an oral ruling. The magistrate judge issued a written order on December 7, 2007.

The magistrate judge found that defendants had failed to meet their burden of establishing various privileges asserted in these proceedings. *See* Dec. 7, 2007 Order at 10, 14, 15, 16, 17. With respect to the deliberative process privilege, the magistrate judge also found that "the manner in which these proceedings are being defended involves presentation of material which will constitute a waiver of the deliberative process privilege." *Id.* at 13-14. He therefore ordered defendants to produce all documents for which a claim of privilege had been made in the November 9, 2007, November 16, 2007, and November 23, 2007 privilege logs. *Id.* at 2. Certain documents were ordered produced subject to protective orders set forth in the December 7, 2007 written order. *Id.* at 17-18.

In the December 14, 2007 order, the court granted defendants' request to revise their privilege logs and referred the matter back to the magistrate judge for further proceedings in connection therewith. Pursuant to that order, resolution of any and all issues related to defendants' assertions of privilege is before the magistrate judge.

IT IS SO ORDERED.

Dated: 01/07/08

/s/
STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

Dated: 01/07/08

LAWRENCE K. KARLTON
SENIOR UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA

Dated: 01/07/08

THELTON E. HENDERSON
SENIOR UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA