

1 IN THE UNITED STATES DISTRICT COURTS  
2 FOR THE EASTERN DISTRICT OF CALIFORNIA  
3 AND THE NORTHERN DISTRICT OF CALIFORNIA  
4 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES  
5 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

6  
7 RALPH COLEMAN, et al.,  
8 Plaintiffs,  
9 v.  
10 ARNOLD SCHWARZENEGGER,  
11 et al.,  
12 Defendants.

NO. CIV S-90-0520 LKK JFM P  
**THREE-JUDGE COURT**

13 MARCIANO PLATA, et al.,  
14 Plaintiffs,  
15 v.  
16 ARNOLD SCHWARZENEGGER,  
17 et al.,  
18 Defendants.

NO. C01-1351 TEH  
**THREE-JUDGE COURT**  
**ORDER**

20 By order filed January 30, 2008, plaintiffs and defendants in the above-captioned  
21 cases were directed to meet and confer, on or before February 20, 2008, concerning any  
22 disputes arising from defendants' revised privilege logs. Order filed January 30, 2008, at 3.  
23 In addition, plaintiffs and defendants were directed to file, on or before February 25, 2008,  
24 either a joint statement concerning disputes arising from the privilege logs, prepared in  
25 accordance with the requirements of Local Rule 37-251, or a joint statement that no disputes  
26 remain. Id.

27 On February 25, 2008, plaintiffs and defendants filed a joint statement regarding  
28 discovery disputes. Review of the joint statement demonstrates that disputes have arisen

1 from defendants' revised privilege logs. Review of the joint statement also demonstrates that  
2 plaintiffs and defendants have not complied with the requirements of the court's January 30,  
3 2008 order in that they have not had a full and complete meeting and conference concerning  
4 those disputes. Accordingly, the court will by this order set a specific time frame for  
5 completion of that process with respect to all disputes arising from all claims of privilege  
6 with the exception of the deliberative process privilege, and for tendering to this court any  
7 disputes that survive completion of the process set forth in this order. Resolution of the  
8 disputes over defendants' assertion of the deliberative process privilege will be deferred until  
9 further order of court.

10 In accordance with the above, IT IS HEREBY ORDERED that:

11 1. Plaintiffs and defendants shall meet and confer in person concerning all  
12 remaining disputes over all assertions of privilege in defendants' revised privilege logs with  
13 the exception of the deliberative process privilege;

14 2. Said meet and confer session shall take place on or before March 6, 2008;

15 3. On or before 4:30 p.m. on March 7, 2008, plaintiffs and defendants shall file  
16 a list of all documents as to which claims of privilege remain in dispute together with, as  
17 appropriate, any supplemental briefing relevant to any remaining disputes;

18 4. The court will hear argument concerning the documents in the list filed  
19 pursuant to paragraph 3 of this order on Wednesday, March 12, 2008, at 11:00 a.m. in  
20 Courtroom # 26.

21 5. Resolution of the disputes over defendants' assertion of the deliberative  
22 process privilege is deferred until further order of court.

23 DATED: February 26, 2008.

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26 UNITED STATES MAGISTRATE JUDGE  
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