

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.

MARCIANO PLATA, et al.,

Plaintiffs.

V.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

NO. CIV S-90-0520 LKK JFM P

THREE-JUDGE COURT

NO. C01-1351 TEH

THREE-JUDGE COURT

ORDER

20 This matter is pending before the court on a dispute over claims of privilege raised in
21 privilege logs served on June 10, 2008 and August 5, 2008. In connection with the present
22 dispute, on August 19, 2008 defendants produced documents to the court for in camera
23 review. It appears that documents which are not at issue in the present dispute were included
24 in that production.¹ Those documents are as follows:

26 ¹ The documents from the August 5, 2008 privilege log submitted for in camera
27 review are identified, *inter alia*, by “Row” numbers. The declarations provided with the
28 privilege log refer to these numbers as log entry numbers. See, e.g., Ex. J to Morris
Declaration, Supplemental Declaration of Robert Gore in Support of Privilege Log of August
5, 2008, at ¶ 12(b).

1 1. Twenty documents listed in the August 5, 2008 privilege log which are
2 subject solely to a claim of attorney-client privilege: Log entry numbers 10, 11, 170, 173-
3 176, 196-200, 202, 206-207, 212-213, 218, 245, and 328.

4 2. Four documents which are subject to claims of attorney-client privilege and
5 work product protection: Log entry numbers 208-211.

6 3. One document for which a claim of privacy has been made: Log entry
7 number 92.

8 4. Forty-one documents which are subject to claims of attorney-client privilege
9 and deliberative process privilege: Log entry numbers 7-8, 12-13, 114-118, 172, 193-194,
10 201, 203-205, 214, 225-227, 320-321, 326-327, 329-334, 337-340, 349-350, 357-358, 362,
11 368, 370, and 377.

12 5. Four documents which are subject to claims of attorney-client privilege,
13 deliberative process privilege, and work product protection: Log entry numbers 9, 191-192,
14 and 244.

15 Good cause appearing, the parties will be directed to file a joint statement indicating
16 whether or not the claim(s) of privilege for the documents listed in paragraphs 1, 2, and 3,
17 supra, are in dispute and, if so, where the dispute appears in the record. In addition, the
18 parties shall indicate whether or not the claims of attorney-client privilege or work product
19 protection for the documents listed in paragraphs 4 and 5, supra, are in dispute and, if so,
20 where the dispute appears in the record.

21 Finally, at a telephone conference on August 21, 2008, the parties jointly represented
22 that there are ten documents listed in the August 5, 2008 privilege log for which a dispute
23 over claims of attorney-client privilege remain. The parties identified those as the documents
24 identified by log entry numbers 4, 171, 187-190, 195, and 364-366. Five of those documents,
25 log entry numbers 187-190 and 195, are subject to claims of work product protection in
26 addition to claims of attorney-client privilege and, with the exception of log entry number
27 195, deliberative process privilege. In the joint statement, the parties shall indicate whether
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1 or not the claims of work product protection for these five documents are in dispute and, if
2 so, where the dispute appears in the record.

3 In accordance with the above, IT IS HEREBY ORDERED that the parties shall file
4 the joint statement required by this order on or before 12:00 noon on Thursday, August 28,
5 2008.

6 Dated: August 25, 2008.

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9 UNITED STATES MAGISTRATE JUDGE

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