

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**

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

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<sup>1</sup> The documents from the August 5, 2008 privilege log submitted for in camera review are identified, *inter alia*, by "Row" numbers. The declarations provided with the 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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