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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RALPH COLEMAN, et al.,

11 Plaintiffs,

No. CIV S-90-0520 LKK JFM P

12 vs.

13 ARNOLD SCHWARZENEGGER,  
14 et al.,

15 Defendants. /

ORDER

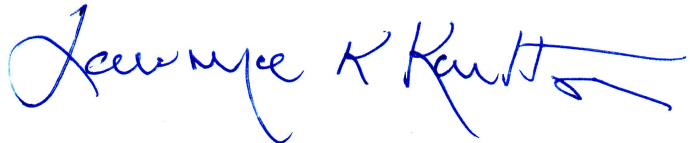
16 This matter came on for telephonic hearing at 2:00 p.m. on June 14, 2006 on  
17 defendants' oral motion to stay this court's June 12, 2006 order determining that material set  
18 forth in a privilege log filed by defendants is not privileged and requiring defendants to forward  
19 the material to the Special Master and to counsel for plaintiffs not later than close of business on  
20 June 14, 2006. Michael Bien, Esq., and Thomas Nolan, Esq., participated as counsel for  
21 plaintiffs. Lisa Tillman, Deputy Attorney General, Rochelle C. East, Supervising Deputy  
22 Attorney General, and Frances T. Grunder, Senior Assistant Attorney General, participated as  
23 counsel for defendants. The Special Master also participated in the telephonic conference.

24 The court has considered the record and the arguments of the parties. Defendants  
25 seek to raise the so-called deliberative privilege. The argument fails to acknowledge that it is the  
26 deliberative process that is in issue. Put directly, the court requires the PBC's in part to

1 determine whether the State's deliberative process is frustrating the ability of the State to comply  
2 with the court's orders. For that reason and for the reasons stated on the record at the time of the  
3 hearing, and good cause appearing, IT IS HEREBY ORDERED that:

- 4 1. Defendants' motion to stay this court's June 12, 2006 order is denied;
- 5 2. Defendants shall produce the required material to the Special Master under  
6 seal not later than close of business on June 14, 2006;
- 7 3. The Special Master's report to be filed on June 21, 2006 shall be filed under  
8 seal; and
- 9 4. Absent a stay of this court's June 12, 2006 order by the United States Court of  
10 Appeals for the Ninth Circuit, the court will, by June 21, 2006, order the material and the Special  
11 Master's report produced to plaintiffs.

12 DATED: June 14, 2006.



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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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