

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Grand Canyon Trust, et al.,
10 Plaintiffs,

11 v.

12 Michael Williams, et al.,
13 Defendants.

No. CV-13-08045-PCT-DGC

ORDER

14 On March 6, 2014, the Court ordered Plaintiffs to identify ten documents they
15 believe were improperly withheld by Defendants as privileged, and ordered Defendants
16 to submit those documents to the Court for *in camera* review. Doc. 108 at 4. Plaintiffs
17 identified Documents 2, 9, 14, 18, 21, 22, 29, 32, 36, and 27 on Defendants' privilege
18 log.

19 The Court reviewed the documents *in camera*. Defendants claimed that eight of
20 the ten documents are protected by the attorney-client privilege. Docs. 9, 14, 18, 21, 22,
21 29, 32, 36. Upon review, these documents appear to be communications between
22 Defendants' counsel and government clients that were properly withheld.

23 Defendants claimed that Document 2 was protected by the deliberative process
24 privilege. Upon review, the Court finds that this document satisfies the Ninth Circuit's
25 standard as a "document[] that reflect[s] advisory opinions, recommendations and
26 deliberations comprising part of a process by which government decisions and policies
27 are formulated." *F.T.C. v. Warner Commc'ns Inc.*, 742 F.2d 1156, 1161 (9th Cir. 1984).
28 Because the document is both pre-decisional and deliberative, it was properly withheld.

1 Document 37 was originally withheld as protected by the deliberative process
2 privilege and as confidential business information. Doc. 106-4 at 8. Because Defendants
3 have determined that the document is substantially similar to the final Valid Existing
4 Rights Determination already included in the record, they have agreed to release the
5 document in a redacted format, with the understanding that Plaintiffs' counsel will not
6 challenge redactions that protect confidential business information. Doc. 110 at 7.

7 **IT IS ORDERED** that no additional documents need be released or submitted for
8 *in camera* review.

9 Dated this 7th day of April, 2014.

10
11
12 

13 _____
14 David G. Campbell
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28