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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 DELTA SMELT CONSOLIDATED CASES)

1:09-cv-0407 OWW DLB

10 _____)
11 SAN LUIS & DELTA-MENDOTA WATER)
12 AUTHORITY, et al. v. SALAZAR, et)
13 al.)

ORDER RE: FEDERAL
DEFENDANTS' PRIVILEGE LOG
SUBMISSION CONCERNING
ATTORNEY-CLIENT PRIVILEGE
AND SEALING ORDER

14 _____)
15 STATE WATER CONTRACTORS v.)
16 SALAZAR, et al.)

17 _____)
18 COALITION FOR A SUSTAINABLE)
19 DELTA, et al. v. UNITED STATES)
20 FISH AND WILDLIFE SERVICE, et)
21 al.)

22 _____)
23 METROPOLITAN WATER DISTRICT v.)
24 UNITED STATES FISH AND WILDLIFE)
25 SERVICE, et al.)

26 _____)
27 STEWART & JASPER ORCHARDS, et)
28 al. v. UNITED STATES FISH AND)
WILDLIFE SERVICE.)

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30 The Court has reviewed *in camera* the documents to which
31 attorney-client privilege is claimed by Federal Defendants.

32 Document 6 contains a portion of privileged communications
33 in which an attorney participated and/or was copied. Those
34 portions are privileged and shall be redacted.

1 Document 8 is privileged as it reports a Federal Defendant
2 attorney's analysis for FWS of issues concerning legal filings
3 and preparation of the Biological Opinion and RPAs.

4 Document 10 is privileged as it includes attorney-client
5 communications and agency response to completion of remedial
6 actions.

7 These documents shall be maintained under seal pending
8 further order of the Court or review by any higher court.

9
10 IT IS SO ORDERED.

11 Dated: October 22, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE