

1 JEFFREY H. WOOD
 Acting Assistant Attorney General
 2 ROCHELLE L. RUSSELL (CA No. 244992)
 United States Department of Justice
 3 Environmental and Natural Resources Division
 Environmental Defense Section
 4 301 Howard Street, Suite 1050
 San Francisco, CA 94105
 5 Tel: (415) 744-6566 / Fax: (415) 744-6476

6 PHILLIP A. TALBERT
 United States Attorney
 7 GREGORY T. BRODERICK
 Assistant United States Attorney
 8 501 I Street, Suite 10-100
 Sacramento, CA 95814
 9 Tel: (916) 554-2780

10 *Attorneys for Plaintiff United States of America*

11 LAWRENCE S. BAZEL (CA No. 114641)
 MAX ROLLENS (CA No. 308984)
 12 BRISCOE IVESTER & BAZEL LLP
 155 Sansome Street, Seventh Floor
 13 San Francisco, CA 94104
 14 Tel: (415) 402-2700 / Fax: (415) 398-5630

15 *Attorneys for Defendants John Donnelly Sweeney and
 Point Buckler Club, LLC*

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,
 20 Plaintiff,

21 v.

22 JOHN DONNELLY SWEENEY and
 POINT BUCKLER CLUB, LLC

23 Defendants.
 24

2:17-cv-00112-KJM-KJN

**STIPULATION RE: PRIVILEGE AND
 WORK PRODUCT LOGS**

ORDER

1 Pursuant to the Parties' Joint Status Report and Discovery Plan, ECF No. 12, and the
2 Court's direction at the June 8, 2017 status conference, ECF No. 14, the Parties submit the
3 following stipulation and proposed Order regarding the logging of privileged and work product
4 materials in this case.

5 A. PRIVILEGE OR WORK PRODUCT LOGS GENERALLY

6 The parties agree that Fed. R. Civ. P. 26(b)(5)(A), insofar as it sets forth obligations to
7 provide a log of privileged or work product materials, presumptively should not apply to the
8 following communications:

9 i. internal communications within and/or among (a) Briscoe, Ivester & Bazel LLP,
10 or (b) governmental law offices (e.g., the U.S. Department of Justice, the U.S. Environmental
11 Protection Agency ("EPA") offices of general and regional counsel, and the U.S. Army Corps of
12 Engineers ("Corps") offices of headquarters and district counsel).

13 ii. communications after October 21, 2015, exclusively between EPA employees and
14 counsel from the EPA or the U.S. Department of Justice previously or currently responsible for
15 or overseeing the case (but not including non-attorney staff-to-staff communications);

16 iii. communications after October 21, 2015, exclusively between Corps employees
17 and counsel from the Corps or the U.S. Department of Justice previously or currently responsible
18 for or overseeing the case (but not including non-attorney staff-to-staff communications);

19 iv. communications after October 21, 2015, exclusively between EPA and Corps
20 employees and counsel from the EPA, the Corps, or the U.S. Department of Justice previously or
21 currently responsible for or overseeing the case (but not including non-attorney staff-to-staff
22 communications);

23 v. communications exclusively between employees or counsel from the EPA, the
24 Corps, or the U.S. Department of Justice and any confidential litigation consultant;

25 vi. communications exclusively between John Donnelly Sweeney or Point Buckler
26 Club, LLC, and any attorney representing them with respect to the subject matter of this litigation;

27 vii. communications between John Donnelly Sweeney or Point Buckler Club, LLC, and
28 any confidential litigation consultant retained with respect to the subject matter of this litigation;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

In accordance with the foregoing stipulation and good cause appearing, IT IS SO ORDERED.

DATED: June 30, 2017.



UNITED STATES DISTRICT JUDGE