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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAHINAH IBRAHIM,  
Plaintiff,

No. C 06-00545 WHA

v.

DEPARTMENT OF HOMELAND  
SECURITY, et al.,  
Defendants.

**ORDER REGARDING NON-SSI  
PRIVILEGE LOG, MOTION TO  
SEAL, REQUESTS FOR  
EXTENSION OF TIME, AND  
CLASSIFIED SUBMISSIONS**

This order addresses several of the parties' recent discovery issues and requests.

Regarding plaintiff's proposed non-SSI protective order, defendants object to Section 1, "Purposes and Limitations," and propose to add a substantial volume of text to "clarify the bounds of the protective order." This section in plaintiff's proposed non-SSI protective order is identical to the corresponding section in this district's model protective order for highly-confidential information. Defendants provide no authority showing that this often-used language is inadequate, or that their proposed language provides any necessary clarification. Defendants' objection is **OVERRULED**.

Defendants also object to section 15 of plaintiff's proposed protective order regarding return or destruction of highly confidential information, which again copies the model text. Defendants propose that plaintiffs be required to return — rather than destroy — all material designated "highly confidential" within 60 days of the final disposition of this action. Given the particular circumstances of this action, the government's objection is **SUSTAINED**.

1           Regarding plaintiff’s motion to seal, plaintiffs request to seal information that the Court  
2 permitted defendants to serve on an attorney’s eyes only basis. Defendants filed a declaration in  
3 support of the motion. This motion is **GRANTED**.

- 4           1.       The clerk shall seal the unredacted version of Plaintiff’s Notice of Motion and  
5                    Motion to Compel Further Responses to Written Discovery and Rule 30(b)(6)  
6                    Depositions;
- 7           2.       The clerk shall seal the unredacted version of Plaintiff’s Separate Statement of  
8                    Items in Dispute in Support of Plaintiffs’ Motion to Compel Further Responses to  
9                    Written Discovery and Rule 30(b)(6) Depositions (Part I);
- 10          3.       The clerk shall seal the unredacted version of Plaintiff’s Separate Statement of  
11                   Items in Dispute in Support of Plaintiffs’ Motion to Compel Further Responses to  
12                   Written Discovery and Rule 30(b)(6) Depositions (Part II); and
- 13          4.       The clerk shall seal Exhibit FF (amended privilege log), Exhibit GG (privilege  
14                   log) and Exhibit HH (privilege log) to the Declaration of Christine Peek  
15                   submitted in Support of Plaintiff’s Motion to Compel Further Responses to  
16                   Written Discovery and to Compel Rule 30(b)(6) Depositions.

17           Defendants’ request for a 30-day extension of time to assert privileges applicable to the  
18 pending discovery issues (Dkt. No. 417) is **DENIED**. The government has been on notice of the  
19 materials plaintiffs seek in discovery for years. These instant discovery disputes have already  
20 been pending more than 30 days. An additional 30-day delay is unnecessary.

21           Defendants request for a stay of briefing on plaintiff’s motion to compel, or in the  
22 alternative for an additional two-week delay in which to determine whether they will assert any  
23 privileges (Dkt. No. 433) is likewise **DENIED**.

24           The briefing schedule will, however, be modified to the following extent. Plaintiff’s  
25 motion to compel (Dkt. No. 425) challenges objections by the government based on classified  
26 information as well as non-classified information. The government shall separate its responsive  
27 brief into two sections. The first section shall address only non-classified information and  
28 privileges, and shall be filed under seal with the Court. The second section shall address only

1 classified information and privileges, and shall be lodged with the Court for *ex parte, in camera*  
2 review. The March 14 deadline shall be extended until **MARCH 15 AT NOON** for both sections  
3 (which combined should not exceed the page limitations for a single opposition brief).  
4 Plaintiff's deadline to reply to the non-classified section shall likewise be extended by one day;  
5 there will be no reply submission to the classified section.

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7 **IT IS SO ORDERED.**

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9 Dated: March 13, 2013.

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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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