Vietnam Veterans of America et al v. Central Intelligence Agency et al Doc. 456

United States District Court
Northern District of California

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

VIETNAM VETERANS OF AMERICA, et al.,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY, et al.,

Defendants.

Case No.: 09-cv-0037 CW (JSC)

ORDER RE: MOTION TO COMPEL DISCOVERY FROM DEFENDANT DEPARTMENT OF VETERANS AFFAIRS (Dkt. No. 447)

On June 14, 2012, Plaintiffs filed a Motion to Compel Discovery from Defendant Department of Veterans Affairs ("DVA"). Plaintiffs seek an order: 1) compelling Defendant to produce those documents over which DVA has asserted the deliberative process privilege in its June 13, 2012 privilege log, and 2) requiring Defendant to reimburse Plaintiffs for their out-of-pocket costs involved in resuming the depositions of Joe Salvatore and Dave Abbot.

Defendant's opposition to the motion is due June 28, 2012 and is limited to 10 pages. On this same date, Defendant DVA shall simultaneously submit those documents over which it claims deliberative process privilege to the Court for *in camera* review and file a declaration formally invoking the privilege. Plaintiffs reply is due July 5, 2012 and is

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limited to 7 pages. The Court will advise the parties as to whether oral argument is required after submission of the reply brief.

At the hearing on June 21, 2012, the Court considered a related issue regarding the deposition of Dave Abbot. Defendants are ordered to make Mr. Abbot available for a further deposition of no more than 3.5 hours. The deposition is limited in scope to those documents produced after Mr. Abbot's prior deposition. The Court encourages the parties to work together to find a date and time for the deposition that is convenient to Mr. Abbot.

Defendants' Motion to Strike the Motion to Compel (Dkt. No. 449) is DENIED. Defendants' alternative request to set a briefing schedule is GRANTED as set forth above.

IT IS SO ORDERED.

Dated: June 22, 2012

Jacqueline S. Corley

JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE

United States District Court
Northern District of California