

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EXXON MOBIL CORPORATION;	§	
EXXONMOBIL DEVELOPMENT	§	
COMPANY; and EXXONMOBIL OIL	§	
CORPORATION,	§	
	§	
Plaintiff,	§	
v.	§	
	§	CIVIL ACTION NO. 3:17-CV-1930-B
STEVEN MNUCHIN, in his official	§	
capacity as Secretary of the U.S.	§	
Department of the Treasury; ANDREA M.	§	
GACKI, in her official capacity as the	§	
Director of the U.S. Department of Foreign	§	
Assets Control; and the U.S.	§	
DEPARTMENT OF THE TREASURY'S	§	
OFFICE OF FOREIGN ASSETS	§	
CONTROL,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

Before the Court is the Magistrate Judge’s Order granting in part and denying in part Plaintiffs’ Motion to Compel Compliance With the Court’s Orders (Doc. 49). Doc. 66, Order. Defendants have filed objections to the order, arguing that the order is deficient in three principle ways:

First, it committed an error of law by concluding that the documents described at privilege log entry numbers 30, 37, 57, 78, 126, 146, and 148 were not protected under the deliberative process privilege based on the incorrect legal conclusion that drafts and summaries are not protected by the deliberative process privilege. Second, it committed an error of fact by using the wrong agency decision to determine that the documents described at privilege log entry numbers 3, 4, and 5 were not predecisional, and thus not protected by the deliberative process privilege. Third, it committed errors of law and fact in reaching its conclusion—unsupported by any factual findings or analysis—that the decisions at issue in the documents described at privilege log entry numbers 6, 7, 8, 9, 10, 12, 15, 17, 19, 23, and 25 were not

“important” enough for their disclosure to risk injury to the quality of agency decisions. . . . [The order] also failed entirely to consider an agency declaration explaining the documents’ importance.

Doc. 71, Defs.’ Objections, 6. The Court now reviews Defendants’ objections.

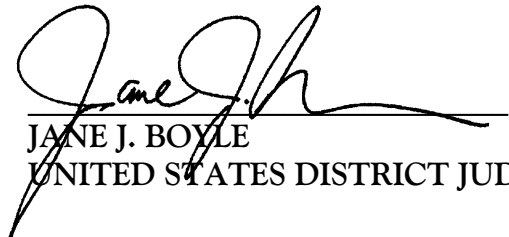
Federal Rule of Civil Procedure 72(a) permits a district judge to set aside or modify a non-dispositive pretrial order issued by a magistrate judge if the order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). That means the district judge reviews the magistrate judge’s factual findings for clear error and legal conclusions de novo. *Moore v. Ford Motor Co.*, 755 F.3d 802, 806 (5th Cir. 2014).

Here, the Court has reviewed the opinion of the Magistrate Judge and finds no clear error in the factual findings and, on de novo review, no error in the legal conclusions. Accordingly, the objections by Defendants to the Magistrate Judge’s Order granting in part and denying in part Plaintiffs’ Motion to Compel Compliance With the Court’s Orders are **OVERRULED**.

Defendants are **ORDERED** to comply with the Magistrate Judge’s Order (Doc. 66), and must produce the documents described therein to Plaintiffs by **5:00 p.m. on July 15, 2019**.

SO ORDERED.

SIGNED: July 8, 2019.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE