

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RYAN KARNOSKI, et al.,

11 Plaintiffs,

12 v.

13 DONALD J TRUMP, et al.,

14 Defendants.

CASE NO. C17-1297 MJP

ORDER ON AGREED MOTION
FOR RECONSIDERATION OF
ORDER ON MOTION TO COMPEL
(DKT. NO. 455)

15 THIS MATTER comes before the Court on the Parties' Agreed Motion for Clarification
16 or Reconsideration of the Court's March 4, 2020 Order (Dkt. No. 455). (Dkt. No. 463.) Having
17 reviewed the Motion and the related record, the Court GRANTS the Motion.

18 The Court's Order granted the Plaintiffs' motion to compel the production of documents
19 Defendants previously withheld as non-responsive although part of a family that included
20 responsive documents. (Dkt. No. 455 at 2.) While these documents were withheld as
21 non-responsive, Defendants now assert that "during the course of preparing these non-responsive
22 family documents for production, Defendants have discovered that a small subset of the
23 documents are subject to privilege." (Dkt. No. 463 at 2.) Defendants now ask the Court to
24

1 clarify that its Order does not require privileged documents to be produced. (Id.) Defendants'
2 Motion is GRANTED; Defendants are not required to produce privileged documents. The Court
3 therefore ORDERS Defendants to:

- 4 (1) Produce privilege logs to Plaintiffs and the Court specific to the privileged
5 documents Defendants discovered while preparing the family of documents for
6 production. The privilege logs must describe: (a) each and every privilege asserted
7 for these documents and (b) an explanation for why Defendant believes each
8 privilege applies to each document or class of documents. The privilege logs shall be
9 produced by Friday March 20, 2020;
- 10 (2) Produce the privileged documents to the Court for *in camera* review by Friday
11 March 27, 2020.

12
13 The clerk is ordered to provide copies of this order to all counsel.

14
15 Dated March 17, 2020.

16
17 

18 Marsha J. Pechman
19 United States District Judge
20
21
22
23
24