UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

THOMAS PEREZ, Secretary of the
United States Department of Labor,

Plaintiff,

-vs-   **Case No. 13-C-1302**

VERONICA MUELLER, et al.,

Defendants.

DECISION AND ORDER

This matter comes before the Court on the Secretary's motion [ECF No. 100] to clarify the Court's May 27, 2016 Decision and Order [ECF No. 95] granting the defendants' motion to compel. The Secretary was and is resisting discovery through the assertion of various privileges, including attorney-client, work product, and government/executive (deliberative process and investigative file).

The defendants asked the Court to "grant their Motion to Compel and order the Secretary to produce the withheld and redacted discovery *or* provide sufficient information to ascertain the validity of the asserted privileges." ECF No. 75 (emphasis added). The Court granted this motion because the Secretary's invocation of privilege was improper. ECF No. 95, at 3 ("The[] assertions of privilege [in the privilege log] make it impossible

to evaluate the claims of privilege because there is no way of knowing how many emails are included within those pages, much less the nature of each separate communication").

The Secretary now asks the Court to allow him to comply with the Order by "providing Defendants sufficient information to ascertain the validity of the asserted privileges via the Secretary's Second Revised Privilege Log." ECF No. 101, at 3. The Court will grant the Secretary's request. This is a reasonable compromise that will allow the Secretary to avoid waiving the asserted privileges.

The Secretary's motion to clarify [ECF No. 100] is **GRANTED**. The Secretary may comply with the Court's May 27, 2016 Order by providing sufficient information to ascertain the validity of the asserted privileges via the Secretary's Second Revised Privilege Log.

Dated at Milwaukee, Wisconsin, this 27th day of July, 2016.

<div align="right">

SO ORDERED:

s/ *Pamela Pepper*
for **HON. RUDOLPH T. RANDA**
U.S. District Judge

</div>