

(Dkt. Nos. 437, 438, 440, 442). Having reviewed the parties' filings and the documents
submitted by Defendant for *in camera* review, the Court finds as follows with respect to the
four outstanding documents.

United States District Court

DVA078 1867 – this document is a duplicate of a document which the Court 2 previously reviewed and found was covered by the deliberative process privilege. Defendant 3 does not need to produce this document.

4 DVA078 2045-2055 – is a draft PowerPoint presentation entitled Chemical and Biological Exposure Claims: Concern for Edgewood Arsenal Veterans, Informative Brief by 5 the Office of Policy, dated June 2, 2006. Defendant has identified document 1607-1617 as a 6 substantive duplicate of this document. Defendant previously produced document 1607-7 1617 to Plaintiffs in a partially redacted form and has agreed to produce DVA078 2045-2055 8 with the same redactions. Defendant argues that Plaintiffs have waived any challenge to the 9 redactions, however, because they did not specifically challenge the redactions in their initial 10 motion to compel. The Court finds that it is unnecessary to reach this issue because the 11 PowerPoint is also substantively similar to DVA078 09-18, a PowerPoint presentation 12 entitled Edgewood Arsenal Veteran Notification Effort, Informative Brief by the Office of 13 Policy, dated June 2, 2006, which the Court reviewed in camera and ordered Defendant to 14 produce without redactions. (Dkt. No. 423, 8:8-13). Accordingly, Defendant shall produce 15 DVA078 2045-2055 to Plaintiffs without redactions. 16

DVA078 2700-2703 – this document is a duplicate of a document which the Court previously reviewed and found was covered by the deliberative process privilege. Defendant does not need to produce this document.

DVA078 4221 – Defendant has agreed to produce this document to Plaintiffs.

## **CONCLUSION**

Defendant shall produce the aforementioned documents to Plaintiffs by June 14, 2012. This Order disposes all outstanding issues regarding the Court's *in camera* review of 23 documents over which Defendants asserted the deliberative process privilege. To the extent 24 that a further dispute arises regarding Defendants' assertion of the deliberative process 25 privilege as foreshadowed in Plaintiffs' filing (Dkt. No. 437, n. 2) the Court urges the parties 26 to consider the Court's prior orders regarding the applicability of the deliberative process 27 privilege prior to seeking the Court's intervention. 28

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