



U.S. Department of Justice
Civil Division, Federal Program Branch

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February 23, 2018

By CM/ECF

Chambers of the Honorable Marvin J. Garbis
United States District Judge
U.S. District Court for the District of Maryland
101 West Lombard Street
Chambers 5C
Baltimore, MD 21201

Re: Case Planning Conference in *Stone v. Trump*, Case No. 1:17-02459-MJG

Dear Judge Garbis,

On February 22, 2018, the Department of Justice received through the ECF system a letter from Plaintiffs requesting that the Court hold a case-planning conference to discuss, “among other subjects . . . when Defendants will provide Plaintiffs with the implementation plan and related policy documents; supplementation of Defendants’ initial disclosures; modification of discovery deadlines, including the date for expert disclosures (currently March 2 for opening expert disclosures); and the need for prompt resolution of extensive privilege claims (primarily claims of deliberative process and presidential communication privilege) Defendants have asserted as the basis for withholding thousands of documents responsive to Plaintiffs’ discovery requests.”

Counsel for Defendants respectfully suggests that a case-management conference at this juncture is premature. The implementation plan has not been made publicly available and, accordingly, there is little, if any, information Defendants can provide Plaintiffs or the Court at this time. Once that policy is publicly announced, Defendants will promptly notify Plaintiffs and the Court of that policy decision. But until the new policy is publicly announced, it makes little sense to address the scheduling issues identified by Plaintiffs.

In addition, on February 21, 2018, Plaintiffs identified for the first time certain concerns they had with Defendants’ privilege logs and the identification of certain privileges. Counsel for Defendants has diligently been working with their client agencies to assess – and potentially address – Plaintiffs’ identified concerns. But because that meet-and-confer process has barely

begun, much less concluded, a case-management conference to discuss this issue is premature. Defendants commit to working with Plaintiffs' counsel in a good faith attempt to narrow the issues in dispute and potentially avoid having to bring this dispute to the Court's attention.

For these reasons, Defendants respectfully suggest that the case-planning conference requested by Plaintiffs is premature. In the event the Court wishes to proceed now with a case-planning conference, however, counsel for Defendants has reviewed the potential dates and times that have been provided by the Court and is available on the following dates: March 7, 8 and 9, 2018.

Sincerely,

Ryan Bradley Parker

cc: All counsel of record, by CM/ECF