

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JANE DOE 2 <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 17-cv-1597 (CKK)
v.)	
)	
JAMES N. MATTIS, in his official capacity as Secretary of the Department of Defense, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**PARTIES’ JOINT STATUS REPORT IN RESPONSE TO
SEPTEMBER 10, 2018 ORDER**

On September 10, 2018, the parties filed a Joint Status Report detailing their proposals for the efficient resolution of the various privilege disputes that have arisen in this case. The Court ordered the parties to meet and confer by September 17, 2018, to identify the outstanding issues that will be the subject of briefing, and further ordered the parties to submit a report detailing those issues for the Court by September 21, 2018. The parties timely conferred in accordance with the Court’s order, and they hereby identify the following issues that will be addressed in their forthcoming briefing:

- ***Deliberative Process Privilege.*** Plaintiffs will move to compel the production of documents and testimony withheld on the basis of the deliberative process privilege. In particular, this motion will address the government’s withholding of documents from production based on assertion of the privilege (as previewed for the Court in an April 13, 2018 email requesting a teleconference); the government’s attempt to claw back two documents based on assertion of the privilege (as previewed for the Court in an April 20, 2018 email requesting a

teleconference); and the government's assertion of the privilege at the depositions of Martie Soper and Mary Krueger.

- ***Presidential Communications Privilege.*** Defendants will move for a protective order to preclude the disclosure of documents and information subject to the presidential communications privilege, including documents and information that are in the possession, custody, or control of the remaining Defendants.
- ***Deposition of Vice Admiral David Kriete.*** Defendants will move for a protective order to preclude the deposition of Vice Admiral David Kriete because all of his relevant testimony would be subject to the presidential communications privilege, and much of his testimony would also be subject to the deliberative process privilege, and because he is a high-ranking Government official. *See* Dkt. 145-1 (email from Andrew Carmichael to Chambers of Judge Kollar-Kotelly, June 15 2018).

September 21, 2018

Respectfully submitted,

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