

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

BROCK STONE, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case 1:17-cv-02459-GLR

Hon. George L. Russell, III

DEFENDANTS' REPLY IN SUPPORT OF NOTICE OF DECISION

Defendants respectfully file this reply to Plaintiffs' Response to Defendants' Notice of Decision. A reply is necessary because Plaintiffs' description of the district court's discovery order in *Karnoski v. Trump*, No. 17-cv-1297-MJP, is incomplete. Plaintiffs argue that "[i]n *Karnoski* the district court ordered Defendants to produce a privilege log identifying documents and information withheld under the presidential communications privilege," and because the sufficiency of the privilege logs is not at issue in this case, the Ninth Circuit's order staying compliance with the district court's order "is inapposite." Dkt. 219. But Plaintiffs entirely ignore that the *Karnoski* district court also ordered the disclosure of all documents withheld under the deliberative process privilege. *See* Order at 11, *Karnoski v. Trump*, No. 17-cv-1297-MJP (W.D. Wash. July 27, 2018), Dkt. 299 ("The Court GRANTS Plaintiffs' Motion to Compel and ORDERS Defendants to turn over those documents that have been withheld solely under the deliberative process privilege within 10 days of the date of this Order[.]"). The Ninth Circuit then stayed compliance with the district court's order pending consideration of Defendants' petition for writ of mandamus. Order, *In re Donald J. Trump*, No. 18-72159 (9th Cir. Sept. 17, 2018), Dkt. 36. The Magistrate Judge in this case ordered Defendants to disclose many of those same deliberative documents. Thus, contrary to Plaintiffs'

assertions, the Ninth Circuit's order staying the disclosure of the same documents at issue in this case is relevant to the Court's consideration of Defendants' pending motion to stay compliance with the Magistrate Judge's Memorandum Opinion and Order.

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Respectfully submitted,

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