

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.,
Plaintiffs,

vs.

DONALD J. TRUMP, et al.,
Defendants.

Case No. 1:17-cv-02459-GLR

Hon. A. David Copperthite

**PLAINTIFFS' MOTION TO SET A DATE CERTAIN FOR
COMPLIANCE WITH DISCOVERY ORDER**

More than two months have passed since Judge Copperthite granted Plaintiffs' Motion to Compel and ordered all Defendants other than President Trump to produce three discrete categories of documents and interrogatory answers they are withholding solely on the basis of deliberative process privilege. *See* ECF 204, 205. Defendants have informed Plaintiffs that they do not intend to comply with the Court's order.

Defendants have appealed Judge Copperthite's discovery order and asked the District Court to stay the order pending appeal, but the District Court has not acted on their stay request. Defendants now refuse to comply with Judge Copperthite's order and insist that they need not produce a single document or supplemental interrogatory answer until their pending Objections to the order and Motion to Stay are resolved. *See* ECF 208, 209; Kies Decl. (attached hereto) ¶ 5, Ex. B at 1. Defendants are mistaken. "In the context of an order entered by a magistrate judge, neither filing objections to the order nor filing a motion to stay enforcement of the order relieves a party of its duty to comply with the order." *Holly v. UPS Supply Chain Sols., Inc.*, 2015 WL 2446110, at *4 (W.D. Ky. May 20, 2015). And it is well settled that "the mere filing

of a motion to stay does not effect a stay.” *Alston v. Becton, Dickinson & Co.*, 2014 WL 338804, at *2 (M.D.N.C. Jan. 30, 2014). Plaintiffs request that this Court set a date certain by which Defendants must begin production of compelled documents and information and establish a schedule for when production will be completed. Plaintiffs further request an expedited briefing schedule for this motion and request that the Court direct Defendants to respond to this motion within seven calendar days.

BACKGROUND

1. On August 14, 2018, Magistrate Judge A. David Copperthite granted Plaintiffs’ Motion to Compel (ECF 177-1). Judge Copperthite also denied in part and granted in part Defendants’ Motion for a Protective Order (ECF 179) and dismissed as moot Plaintiffs’ Motion for Judicial Determination of Privilege (ECF 178).

2. Judge Copperthite held that the deliberative process privilege does not apply to the three discrete categories of documents identified in Plaintiffs’ Motion to Compel, finding that “each of the categories of compelled documents is likely to contain evidence reflecting Defendants’ intent,” which “is at the very heart of this litigation.” ECF 204 at 5–6.

3. Plaintiffs’ Motion to Compel applies only to documents withheld on the basis of deliberative process privilege and only with respect to discovery served on Defendants other than President Trump. Plaintiffs have expressly stipulated that their Motion to Compel does not seek information: (1) that is within the custody of the President or the Executive Office of the President or (2) that Defendants contend is subject to the presidential communications privilege but is within the custody of Defendants other than the President. ECF 185-2 at 2 (¶ 5). Judge

Copperthite granted the motion that incorporated that stipulation on June 29, 2018. ECF 185-2, 187; *see also* ECF 208 at 1.¹

4. Judge Copperthite's August 14, 2018 order granting Plaintiffs' Motion to Compel did not identify a specific date by which Defendants other than President Trump must produce documents withheld solely on the basis of deliberative process privilege. *See generally* ECF 205. At the same time, the order was clear that Defendants were under an obligation to produce those documents.

5. On August 17, 2018, Defendants moved to stay Judge Copperthite's order pending the District Court's resolution of Defendants' forthcoming Objections, ECF 208, subsequently filed on August 28, 2018, ECF 209.

6. Defendants' Motion to Stay and Objections have been fully briefed and pending for over three weeks. *See* ECF 208, 211, 215 (Motion to Stay); ECF 209, 216, 221 (Objections).

7. On September 21, 2018, Plaintiffs asked Defendants to explain the steps Defendants had taken to comply with Judge Copperthite's August 14, 2018 ruling requiring Defendants other than President Trump to produce documents withheld solely on the basis of deliberative process privilege. Kies Decl., Ex. A.

8. On October 1, 2018, Defendants' counsel responded that Defendants are devoting "significant time and resources" toward preparing for the potential production of the compelled documents. However, Defendants' counsel took the position that Defendants were not under a present obligation to produce documents, but that these documents would be produced only "if

¹ Although Judge Copperthite denied Defendants' Motion for Protective Order allowing them to withhold documents protected by the presidential communications privilege, Plaintiffs have not served any motion to compel production of such documents.

the motion to stay is denied, subject to the Government considering appellate options.” Kies Decl., Ex. B at 1.

9. On October 12, 2018, the parties conferred. Marianne Kies and David Zionts attended for Plaintiffs. Andrew Carmichael and Courtney Enlow attended for Defendants. Defendants confirmed that they contemplate that if ultimately required to produce the compelled documents they would make rolling productions of the documents and stated that, as a practical matter, they would be ready to begin productions in the near future. Kies Decl. ¶ 5. However, Defendants’ counsel stated that Defendants will not produce a single document encompassed by Judge Copperthite’s August 14, 2018 order unless and until their Motion to Stay and Objections are finally resolved, including any appeal. *Id.*

10. During the conference, Plaintiffs’ counsel inquired about various aspects of Defendants’ production preparations and anticipated production timeline and logistics. *Id.* Defendants’ counsel was unable to provide specific answers to these questions during the conference. On October 16, 2018, Plaintiffs memorialized their questions in an email to Defendants. *Id.*, Ex. C. Defendants have not yet responded.

ARGUMENT

The Court should order Defendants to immediately comply with Judge Copperthite’s August 14, 2018 ruling on Plaintiffs’ motions by beginning productions of the compelled documents and information within seven calendar days of grant of the enforcement order and establishing a schedule for when production will be completed. Plaintiffs do not insist on a particular timetable and are ready and willing to work with Defendants to establish a schedule that takes into account Defendants’ legitimate practical constraints in completing a rolling production of the compelled documents. The reason for this motion is that Defendants are

refusing to produce documents they *are* able to produce, on the apparent view that Judge Copperthite's order is a mere recommendation that lacks force.

Under Local Rule 301.5(a), “the filing of objections to the magistrate judge’s order shall not operate as a stay of any obligation or deadline imposed by the order.” The mere fact that Defendants have *filed* a Motion to Stay does not relieve them of their compliance obligation: “[A]ll orders and judgments of courts must be complied with promptly. If a person to whom a court directs an order believes that order is incorrect the remedy is to appeal, but, *absent a stay*, he must comply promptly with the order pending appeal.” *Maness v. Meyers*, 419 U.S. 449, 458 (1975) (emphasis added); see *McLean v. Cent. States, Se. & Sw. Areas Pension Fund*, 762 F.2d 1204, 1210 (4th Cir. 1985) (same); *U.S. Home Corp. v. Settlers Crossing, LLC*, 2012 WL 3536691, at *14 (D. Md. Aug. 14, 2012) (“A court’s order remains in force until it is vacated or stayed.” (quoting *New Pac. Overseas Grp. (USA) Inc. v. Excal Int’l Dev. Corp.*, 2000 WL 377513, at *7 (S.D.N.Y. Apr. 12, 2000))); *Alston*, 2014 WL 338804, at *2 (“[T]he mere filing of a motion to stay does not effect a stay.”); see also *Holly*, 2015 WL 2446110, at *4; *Jeld-Wen, Inc. v. Nebula Glass Int’l, Inc.*, 2007 WL 1625721, at *2 (S.D. Fla. May 26, 2007); *Am. Rock*

Salt Co., LLC v. Norfolk S. Corp., 371 F. Supp. 2d 358, 360 (W.D.N.Y. 2005).²

It has been more than two months since the Magistrate Judge ordered Defendants to produce documents encompassed by Plaintiffs' Motion to Compel and Motion for Judicial Determination of Privilege. ECF 204, 205. Because Defendants are "apparently under the impression that the mere filing of [their] motion will excuse their compliance" with that order, *Jeld-Wen*, 2007 WL 1625721, at *1, Plaintiffs request that the Magistrate Judge enforce the order by ordering that Defendants begin their productions of compelled documents and information within seven calendar days of grant of the enforcement order and establish a schedule for when production will be completed. Again, Plaintiffs are prepared to work with Defendants on a reasonable schedule for the compelled production, but it is clear from Defendants' statements that they do not consider themselves bound by Judge Copperthite's order that some binding schedule is necessary.

CONCLUSION

Plaintiffs respectfully request that the Court enforce its August 14, 2018 Memorandum Opinion and Order granting Plaintiffs' Motion to Compel and dismissing Plaintiffs' Motion for

² Defendants have asserted that an order requiring production while their Motion to Stay is pending would "moot" that motion. Kies Decl. ¶ 5. That is incorrect. Should Defendants produce documents and information and their Motion to Stay is subsequently granted or their Objections are sustained, Defendants can claw back the documents and information and a court can exclude them from being used as evidence. *See United States v. Jicarilla Apache Nation*, 564 U.S. 162, 169 n.2 (2011) (noting that the government's production of allegedly privileged documents while appeal of the discovery order was pending "did not affect [the Court's] review" because the Court could "still provide effective relief by preventing further disclosure and by excluding the evidence from trial"); 13B Charles Alan Wright et al., *Federal Practice & Procedure* § 3533.2.2 at n.68 and accompanying text (3d ed. 2018) (noting that "[p]roduction of information in response to a court order is a common occurrence" and that "many decisions have denied mootness after compliance with court discovery orders"). In any event, the concerns raised by Defendants are the precise purpose of a stay motion, which Defendants have filed but the Court has not granted.

Judicial Determination of Privilege by ordering that Defendants begin their productions of compelled documents and information within seven calendar days of grant of the enforcement order and establish a schedule for when production will be completed.

Plaintiffs further request that the Court set an expedited briefing schedule for this motion and direct Defendants to respond within seven calendar days of this motion. Plaintiffs are prepared to file a reply in support of this motion within five calendar days of Defendants' response.

Dated: October 22, 2018

David M. Zionts*
Carolyn F. Corwin*
Mark H. Lynch (Bar No. 12560)
Augustus Golden*
Jeff Bozman*
Marianne F. Kies (Bar No. 18606)
Joshua Roselman*
Peter J. Komorowski (Bar No. 20034)
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Respectfully submitted,

/s/ Peter J. Komorowski

Peter J. Komorowski

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* *Admitted pro hac vice*

CERTIFICATE OF CONFERENCE OF COUNSEL

Pursuant to Local Rule 104.7, I hereby certify that, on October 12, 2018, Plaintiffs and Defendants met and conferred via phone. David Zionts and Marianne Kies attended for Plaintiffs. Andrew Carmichael and Courtney Enlow attended for Defendants. Defendants indicated that, as a practical matter, they could begin rolling productions in the near future. However, Defendants' counsel stated that Defendants will not produce a single document encompassed by Judge Copperthite's August 14, 2018 order unless and until their Motion to Stay and Objections are finally resolved. Accordingly, the parties were unable to resolve their dispute and the issue is ripe for the Court's consideration.

/s/ Peter J. Komorowski
Peter J. Komorowski

CERTIFICATE OF SERVICE

I hereby certify that, on October 22, 2018, a copy of the foregoing and its attachments were served on Defendants via CM/ECF. In addition, courtesy copies will be delivered to the Chambers of Judge Copperthite.

/s/ Peter J. Komorowski
Peter J. Komorowski

IN THE UNITED STATES DISTRICT COURT
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BROCK STONE, et al.,

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DONALD J. TRUMP, et al.,

Defendants.

Case No. 1:17-cv-02459-GLR

Hon. A. David Copperthite

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO SET A DATE
CERTAIN FOR COMPLIANCE WITH DISCOVERY ORDER**

Upon consideration of Plaintiffs' Motion to Set a Date Certain for Compliance with Discovery Order, it is hereby ORDERED that Plaintiffs' Motion is GRANTED:

1. Defendants shall begin their productions of documents and information pursuant to the Magistrate Judge's August 14, 2018 Memorandum Opinion and Order granting Plaintiffs' Motion to Compel and dismissing Plaintiffs' Motion for Judicial Determination of Privilege (ECF 204, 205) within seven calendar days of the date of this Order; and

2. The parties shall promptly confer over a schedule for when Defendants' productions will be completed. To the extent the parties are unable to agree on a deadline for completion, the parties shall submit a joint letter to the Court explaining their respective positions.

DATED:

HON. A. DAVID COPPERTHITE
UNITED STATES MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 1:17-cv-02459-GLR

**DECLARATION OF MARIANNE F. KIES IN SUPPORT OF
PLAINTIFFS' MOTION TO SET A DATE CERTAIN FOR
COMPLIANCE WITH DISCOVERY ORDER**

I, MARIANNE F. KIES, depose and say as follows:

1. I make this declaration in support of Plaintiffs' Motion to Set a Date Certain for Compliance with Discovery Order. The following facts are based on my own personal knowledge, except those stated upon information and belief, and as to all such facts stated upon information and belief, I am informed and believe that the same are true.

2. I am an attorney with Covington & Burling LLP, and I represent Plaintiffs in this action.

3. Attached hereto as "Exhibit A" is a true and correct copy of correspondence from Plaintiffs to Defendants on September 21, 2018.

4. Attached hereto as "Exhibit B" is a true and correct copy of correspondence from Defendants to Plaintiffs on October 1, 2018.

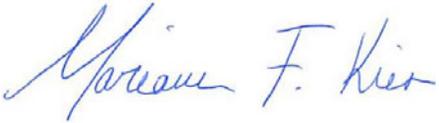
5. On October 12, 2018, Plaintiffs and Defendants met and conferred via phone. David Zions and I attended for Plaintiffs. Andrew Carmichael and Courtney Enlow attended for Defendants. Defendants confirmed that, as a practical matter, they could begin rolling

productions in the near future. However, Defendants' counsel stated that Defendants will not produce a single document encompassed by Judge Copperthite's August 14, 2018 order unless and until their Motion to Stay and Objections are finally resolved, including any appeal. I inquired about various aspects of Defendants' preparation of the production, but Defendants' counsel was unable to provide specific answers to these questions. Defendants also asserted that an order requiring production while their Motion to Stay is pending would "moot" that motion.

6. Attached hereto as "Exhibit C" is a true and correct copy of correspondence from Plaintiffs to Defendants on October 16, 2018, in which Plaintiffs' counsel memorialized their questions to Defendants' counsel that the parties had discussed orally on October 12, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of October, 2018.



Marianne F. Kies (Bar No. 18606)

Exhibit A

COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Marianne F. Kies

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5005
mkies@cov.com

By Electronic Mail

September 21, 2018

Courtney D. Enlow, Esq.
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20530
T: (202) 616-8467
Courtney.D.Enlow@usdoj.gov

Re: Compliance with Court Order in *Stone, et al. v. Trump, et al.*, Case No. 1:17-cv-02459-GLR (D. Md.)

Dear Counsel:

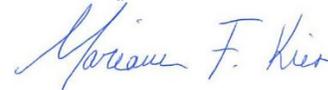
As you are aware, on August 14, 2018, Magistrate Judge Copperthite granted Plaintiffs' motion to compel (ECF 177) and dismissed Plaintiffs' motion for judicial determination of privilege (ECF 178) as moot. *See* ECF 204, 205. Under Local Rule 301.5(a), "[u]nless otherwise ordered by the magistrate judge who issued the order or the district judge who designated the magistrate judge to hear and determine the matter, the filing of objections to the magistrate judge's order shall not operate as a stay of any obligation or deadline imposed by the order."

Neither the Magistrate Judge nor the District Court have ordered a stay of the Magistrate Judge's ruling. Accordingly, Defendants are obligated to comply with the Court's order.

Please indicate, in writing, what steps Defendants have taken to comply with the Magistrate Judge's ruling. Please also provide the anticipated amount of time it will take Defendants to prepare the materials subject to the Magistrate Judge's ruling for production and the anticipated date of that production.

We are available to confer about this issue next week.

Sincerely,



Marianne F. Kies

Exhibit B



Courtney D. Enlow
Trial Attorney

Tel: (202) 616-8467
Email: courtney.d.enlow@usdoj.gov

October 1, 2018

By Email

Marianne Kies
Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
mkies@cov.com

Counsel for Plaintiffs

Re: *Stone v. Trump*, No. 17-cv-2459-GLR (D. Md.)

Dear Marianne,

I write in response to your letter dated September 21, 2018, in which you request the production of documents subject to the Magistrate Judge's Memorandum Opinion and Order of August 14, 2018.

As you are aware, three days after the Magistrate Judge issued the Memorandum Opinion and Order directing the disclosure of thousands of documents withheld under the deliberative process privilege, *see* Dkt. 204, 205, Defendants filed a motion with the District Court to stay compliance with the Memorandum Opinion and Order pending resolution of Defendants' Objections to the Memorandum Opinion and Order, *see* Dkt. 208. Defendants' motion and Defendants' Objections are fully briefed and pending before the Court.

In the meantime, as described below, the Department of Defense ("DoD") and the Services have already devoted significant time and resources toward producing the documents that are subject to the Memorandum Opinion and Order if the motion to stay is denied, subject to the Government considering appellate options. The Department of Defense and the Services have been undertaking a re-review of thousands of documents at issue but, owing to the number of deliberative documents at issue and other work that needs to be done in this and other cases, they still have thousands of deliberative documents to re-review. The Department of Defense and the Services will continue to work diligently to ensure that production, if ultimately required, can occur in a timely manner.

In your letter, you specifically request that Defendants identify the steps that have been taken to comply with the Magistrate Judge's Memorandum Opinion and Order. As a DoD declarant explained in response to a similar order directing disclosure of thousands of

deliberative documents in the related case *Karnoski v. Trump*, 17-cv-1297-MJP (W.D. Wash. July 31, 2018), Dkt. 301, certain steps must be taken before thousands of deliberative documents can be disclosed. For example, before any privileged documents can be produced, they must be reviewed again so that deliberative and pre-decisional information that is not relevant to this case can be redacted. Many deliberative and pre-decisional documents that contain responsive information also contain information that is not material to this case, but until these documents are reviewed, DoD cannot know exactly how many such documents there are. The information collected in this case dates back nearly three years and therefore includes deliberative information not relevant to this litigation that is closely comingled with relevant and responsive, privileged information.

Documents withheld pursuant to the deliberative process privilege may contain, among other things, information that relates to disciplinary activities, other activities by DoD offices, and other legal materials. For example, a document listed on DoD privilege log 14 includes information on a DoD policy for recruiting and retention of individuals with critical skills who are non-U.S. citizens (DoD00037586). As another example, a document on DoD privilege log 5 includes information concerning, among other things, DoD's budget and sexual assault (DoD00004577). These examples reflect types of non-responsive information that is prevalent and comingled with responsive material.

In addition, due to global operations with varying degrees of classification within DoD, some non-responsive information contained in responsive documents is considered Controlled Unclassified Information ("CUI"). CUI may include draft briefings to senior DoD leaders on various initiatives, draft policy, pre-decisional commentary on various DoD policies, or commentary on foreign government activities. CUI can be comingled with other information responsive to Plaintiffs' Requests for Production. For example, a document listed on privilege log 14 is considered CUI because it concerns high-level deliberations and the DoD's strategic response to protests in Iran (DoD00082773). Another document on privilege log 14 is considered CUI because it contains information regarding deliberation on activities in Afghanistan (DoD00083928). For these reasons, documents containing CUI must be reviewed again and redacted before they can be produced under the Memorandum Opinion and Order. The other Defendants in the case (aside from the President¹) will have to conduct a similar re-review of their deliberative documents to ensure that non-responsive material and CUI is redacted prior to disclosure.

Also, some responsive documents identified as deliberative and pre-decisional contain classified information. These documents are currently and properly classified SECRET or

¹ The Magistrate Judge stayed discovery against the President pending the resolution of Defendants' pending motion to dismiss the President as a party to this case, stating that "[n]o interrogatories or document requests will be directed to President Trump as a party." Mem. Op. 10, Dkt. 204. Therefore, the President is not required to produce materials withheld under the deliberative process privilege to comply with the Magistrate Judge's Memorandum Opinion and Order.

SECRET//NOFORN.² The presence of this information was disclosed to Plaintiffs in a privilege log served on June 22, 2018. These documents contain classified information that is closely comingled with responsive material. Review of these records to identify classified information requires numerous steps, including a declassification review conducted in accordance with DoD Manual 5200.01.³ Once all steps in the declassification process are completed, the remaining material will be re-reviewed for privilege and non-responsive material will have to be redacted in the manner outlined above.

If you would like to discuss, I am available this week.

Best regards,

/s/ Courtney D. Enlow
COURTNEY D. ENLOW

² See generally Exec. Order No. 12,356 (Apr. 2, 1982).

³ See generally DoD Information Security Program: Protection of Classified Information, DoDM 5200.01, Volume 3, February 24, 2012.

Exhibit C

From: Kies, Marianne
Sent: Tuesday, October 16, 2018 10:16 AM
To: Enlow, Courtney D. (CIV)
Cc: Kamin, Mitchell A; Carmichael, Andrew E. (CIV); Skurnik, Matthew (CIV); Cheung, Ashley (CIV); Norway, Robert M. (CIV)
Subject: RE: Stone v. Trump

Courtney,

Thank you for conferring with us on Friday afternoon. During our call, you agreed to answer several questions about Defendants' anticipated production timeline for materials responsive to Judge Copperthite's August 14 Order. For your ease of reference, those questions are listed below.

Please note: We understand Defendants' position that they are under no current obligation to begin production. For the reasons discussed during our call, Plaintiffs disagree with Defendants' position. In answering the below list of questions, please assume for the sake of argument that Defendants' position is incorrect.

- (1) Your letter states that Defendants have "already devoted significant time and resources toward producing the documents that are subject to" the August 14 Order. How many documents are "subject to" the Order, in total?
 - a) How many documents subject to the Order contain CUI?
 - b) How many documents subject to the Order contain classified information?
 - c) How many documents subject to the Order are subject to different privilege claims (such as presidential communications)?
- (2) How many deliberative documents have Defendants reviewed to date?
- (3) How many deliberative documents have yet to be reviewed?
- (4) When can Defendants begin producing documents on a rolling basis?
- (5) What do Defendants have to do before Defendants can begin producing documents?
- (6) What documents will Defendants' first production(s) contain?
- (7) Please confirm that Defendants only intend to redact CUI or "irrelevant" information to the extent that Defendants have a good-faith basis that such information is within the "mosaic theory" you referenced during our call.
- (8) What level of personnel security clearance would be required for a Covington attorney to review unredacted documents that contain classified information, or that otherwise would be redacted under the "mosaic theory," in an appropriate location?

We look forward to receiving your responses to the above questions. Plaintiffs reserve all rights.

Sincerely,
Marianne

Marianne Kies

Covington & Burling LLP

One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5005 | mkies@cov.com
www.cov.com

COVINGTON

From: Kies, Marianne
Sent: Tuesday, October 09, 2018 12:43 PM
To: Enlow, Courtney D. (CIV) <Courtney.D.Enlow@usdoj.gov>; Kamin, Mitchell A <MKamin@cov.com>
Cc: Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>; Skurnik, Matthew (CIV) <Matthew.Skurnik@usdoj.gov>; Cheung, Ashley (CIV) <Ashley.Cheung@usdoj.gov>; Norway, Robert M. (CIV) <Robert.M.Norway@usdoj.gov>
Subject: Re: Stone v. Trump

Can you call my office at 2:00 on Friday? 202 662 5005.

Best,
Marianne

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

----- Original message -----

From: "Enlow, Courtney D. (CIV)" <Courtney.D.Enlow@usdoj.gov>
Date: 10/9/18 11:03 AM (GMT-05:00)
To: "Kies, Marianne" <MKies@cov.com>, "Kamin, Mitchell A" <MKamin@cov.com>
Cc: "Carmichael, Andrew E. (CIV)" <Andrew.E.Carmichael@usdoj.gov>, "Skurnik, Matthew (CIV)" <Matthew.Skurnik@usdoj.gov>, "Cheung, Ashley (CIV)" <Ashley.Cheung@usdoj.gov>, "Norway, Robert M. (CIV)" <Robert.M.Norway@usdoj.gov>
Subject: RE: Stone v. Trump

Good morning Marianne,

Yes, I am available on Friday. Does 2:00 work for you? If so, can you circulate a dial-in number?

Best regards,
Courtney

Courtney Enlow
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
(202) 616-8467
courtney.d.enlow@usdoj.gov

From: Kies, Marianne [<mailto:MKies@cov.com>]

Sent: Friday, October 05, 2018 2:06 PM

To: Enlow, Courtney D. (CIV) <cenlow@CIV.USDOJ.GOV>; Kamin, Mitchell A <MKamin@cov.com>

Cc: Carmichael, Andrew E. (CIV) <ancarmic@CIV.USDOJ.GOV>; Skurnik, Matthew (CIV) <maskurni@CIV.USDOJ.GOV>;
Cheung, Ashley (CIV) <ascheung@CIV.USDOJ.GOV>; Norway, Robert M. (CIV) <rnorway@CIV.USDOJ.GOV>

Subject: RE: Stone v. Trump

Thank you, Courtney. We have a few follow-up questions. Can we please set up a time to confer, perhaps next Thursday or Friday?

Sincerely,
Marianne

Marianne Kies

Covington & Burling LLP
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Washington, DC 20001-4956
T +1 202 662 5005 | mkies@cov.com
www.cov.com

COVINGTON

From: Enlow, Courtney D. (CIV) <Courtney.D.Enlow@usdoj.gov>

Sent: Monday, October 01, 2018 5:26 PM

To: Kies, Marianne <MKies@cov.com>; Kamin, Mitchell A <MKamin@cov.com>

Cc: Carmichael, Andrew E. (CIV) <Andrew.E.Carmichael@usdoj.gov>; Skurnik, Matthew (CIV) <Matthew.Skurnik@usdoj.gov>; Cheung, Ashley (CIV) <Ashley.Cheung@usdoj.gov>; Norway, Robert M. (CIV) <Robert.M.Norway@usdoj.gov>

Subject: Stone v. Trump

Good afternoon Marianne,

Please see the attached correspondence.

Best regards,
Courtney

Courtney Enlow
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
(202) 616-8467
courtney.d.enlow@usdoj.gov