

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NICHOLAS HARRISON; and OUTSERVE-
SLDN, INC.,

Plaintiffs,

v.

PATRICK M. SHANAHAN, in his official
capacity as Acting Secretary of Defense; *et*
al.,

Defendants.

No. 1:18-cv-641-LMB-IDD

**NOTICE REGARDING HEARING ON OBJECTION TO MAGISTRATE
JUDGE’S ORDER GRANTING PLAINTIFFS’
MOTION TO COMPEL DOCUMENTS WITHHELD PURSUANT
TO THE DELIBERATIVE PROCESS PRIVILEGE**

Defendants and the Departments of the Air Force and Navy respectfully submit this notice to the Court regarding the issues discussed at today’s hearing on defendants’ objections to Magistrate Judge Davis’ order granting plaintiffs’ motion to compel documents withheld pursuant to the deliberative process privilege. Dkt. 138.

At the hearing, counsel for the Government stated that the deposition of Lieutenant Colonel Lisa Lute was close to seven hours in length. After consulting the transcript, the deposition was, in fact, 5 hours and 51 minutes. *See* Lute Dep. Tr. 302:13-14 (available at Dkt. 110-3). Lieutenant Colonel Lute appeared as the Rule 30(b)(6) representative of the Army. Lute Dep. Tr. 22:4-27:25.

In addition, during the hearing, the Court asked about the frequency of objections from counsel for the Government on deliberative process privilege grounds at that deposition.

Defendants notify the Court that counsel for the Government did not object on the basis of the

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