

The Honorable Marsha J. Pechman

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

No. 2:17-cv-1297-MJP

**ERRATA AND NOTICE OF SECOND
DECLARATION IN RE DKT. 405**

1 Defendants file this errata and notice of second declaration in relation to their Motion for
2 Clarification and Motion for Stay filed on January 24, 2020. Dkt. 405. Defendants recently became
3 aware of an inadvertent error in the motion and the attached declaration of Robert Easton.
4 Specifically, Defendants incorrectly stated that their productions pursuant to the deliberative process
5 order in *Doe 2 v. Esper* occurred on October 31, November 22, and December 19, 2019. In fact,
6 these productions occurred on November 1, November 22, and December 20, 2019. The attached
7 Second Declaration of Robert Easton corrects the record and explains the reasons for this
8 discrepancy.

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10 Dated: January 31, 2020

Respectfully submitted,

11 JOSEPH H. HUNT
Assistant Attorney General

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13 JAMES M. BURNHAM
Deputy Assistant Attorney General

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15 ALEXANDER K. HAAS
Branch Director

16
17 ANTHONY J. COPPOLINO
Deputy Director

18 /s/ Matthew Skurnik
MATTHEW SKURNIK (NY 5553896)
19 JAMES R. POWERS
20 ANDREW E. CARMICHAEL
Trial Attorneys
21 United States Department of Justice
Civil Division, Federal Programs Branch
22 1100 L Street, NW
Washington, DC 20005
23 Telephone: (202) 616-8188
Email: matthew.skurnik@usdoj.gov

24
25 *Counsel for Defendants*

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RYAN KARNOSKI, *et al.*,

Plaintiffs, and

STATE OF WASHINGTON,

Plaintiff-Intervenor,

v.

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

Defendants.

No. 17-cv-01297 (MJP)

**SECOND DECLARATION OF
ROBERT E. EASTON IN
SUPPORT OF DEFENDANTS'
MOTION FOR CLARIFICATION
AND MOTION FOR STAY**

DECLARATION OF ROBERT E. EASTON

I, Robert E. Easton, do hereby declare as follows:

1. I was notified on January 27, 2020 by Department of Justice (DOJ) litigation counsel that an inadvertent error by counsel led to an inaccurate statement in my declaration filed January 24, 2020.

2. Specifically, Paragraph 6 of my declaration stated that Defendants' productions pursuant to the *Doe* order occurred on October 31, November 22, and December 19, 2019. In fact, two of these productions occurred a day later, on November 1 and December 20, 2019.

3. I have been advised that the two erroneous dates resulted from a mistake by Defendants' counsel interpreting certain data exported from Defendants' e-discovery platform. Defendants' e-discovery platform utilizes the term "produced" for any production that has been finalized within the program. The data exported from the platform indicated that these two productions were "produced" on October 31 and December 19, 2019. The e-discovery contractor has since clarified that these are in fact the dates that these productions were completed in Defendants' document review platform. But additional processing was required to prepare these documents for export; thus, DOJ counsel did not transmit these two productions to Plaintiffs' counsel until November 1 and December 20, 2019.

4. I was not aware of this discrepancy at the time I executed my declaration on January 24, 2020.

5. DOJ counsel has since provided me with the transmittal correspondence associated with these productions, which confirms the accuracy of the corrected dates.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 30th day of January 2020, in Arlington, VA.



ROBERT E. EASTON
Director, Office of Litigation Counsel