

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

**DEFENDANTS' NOTICE OF  
COMPLIANCE WITH ECF NO. 522**

1 Pursuant to the Court's Order Re *In Camera* Review of Documents Submitted Pursuant  
2 to the Court's Order on Documents Withheld by the Government as Non-Responsive, ECF No.  
3 522, Defendants hereby provide notice and a description of their compliance.

4 Defendants today produced documents that were previously withheld as privileged and  
5 that corresponded to entries marked "N" in the "Privilege" column on the spreadsheet  
6 accompanying the Court's order at ECF No. 522-1, as well as any other entries where the  
7 "Reasons" column instructs release.

8 Upon reviewing the Court's order, Defendants wish to clarify that they were *not* asserting  
9 privilege as to 117 of the 228 documents that the Court ordered released and that, in fact, these  
10 documents had already been produced to Plaintiffs. These documents were transmitted to  
11 plaintiffs across a number of productions but, with two exceptions, all were produced in full by  
12 March 14, 2020, prior to the Court's Order requiring *in camera* review. These 117 non-privileged  
13 documents, therefore, have not been reproduced today.

14 These non-privileged documents were submitted pursuant to the Court's order to provide  
15 "parent" documents of the privileged documents that were being submitted for *in camera* review.  
16 See ECF No. 487. On the log submitted to the Court on May 1, 2020, the Government specified  
17 which of these "parent" documents were not withheld as privileged; the Government further  
18 indicated in the accompanying notice of filing that a number of such non-privileged documents  
19 had been submitted. See ECF Nos. 495, 495-1. Accordingly, the privilege log entries for these  
20 documents were blank because they were not withheld as privileged. To the extent the Court's  
21 statement that Defendants have asserted privilege without an "articulated rationale" was  
22 informed by these documents that had not been protected as privileged, ECF No. 522 at 3,  
23 Defendants respectfully provide this additional information to clarify the record.  
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25 Dated: June 5, 2020

Respectfully submitted,

26 JOSEPH H. HUNT  
27 Assistant Attorney General  
28 Civil Division

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