

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
RAYMING CHANG, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civ. Action No. 02-2010 (EGS)
)	
UNITED STATES, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

Pending before the Court are Plaintiffs' (1) motion to compel the production of materials withheld by the District of Columbia ("District Motion"), and (2) motion to compel the production of FBI materials withheld by the United States ("FBI Motion"). Upon consideration of the motions, the responses and replies thereto, the applicable law, and the entire record herein, it is by the Court hereby

ORDERED that Plaintiffs' District Motion is **GRANTED IN PART**. Substantially for the reasons articulated by Plaintiffs, the Court concludes that the District has failed to properly invoke either the law enforcement privilege or the deliberative process privilege with respect to the documents identified in Exhibit G to Plaintiffs' District Motion. *See, e.g., Landry v. Fed. Deposit Ins. Corp.*, 204 F.3d 1125, 1135 (D.C. Cir. 2000)

(explaining that assertion of either privilege requires, *inter alia*, "a detailed specification of the information for which the privilege is claimed, with an explanation why it properly falls within the scope of the privilege" (emphasis added)). The District shall therefore produce to Plaintiffs all of the documents identified in **Exhibit G** to Plaintiffs' District Motion, in unredacted form, by no later than **May 29, 2009 at 5:00 p.m.** The documents shall be subject to an appropriate protective order agreed upon by the parties and submitted to the Court for approval by no later than **May 29, 2009 at 12:00 p.m.** In the event the parties are unable to agree on the terms of an appropriate protective order, they shall submit their separate proposals to the Court by that time. The Court emphasizes that this Order is premised on the documents being produced subject to an appropriate protective order and that the documents shall not be disseminated to anyone not subject to such order. It is further

ORDERED that the District shall produce to the Court for *in camera* inspection all documents identified in Exhibit H to Plaintiffs' District Motion. The documents identified in **Exhibit H** shall be produced to the Court in unredacted form by no later than **May 29, 2009 at 12:00 p.m.** The Court will review those documents and notify the parties as to its ruling in due course.

It is further

ORDERED that the District pay Plaintiffs' reasonable expenses incurred in making both Plaintiffs' original motion to compel and the instant motion, including attorneys' fees, the amount for which shall be determined at a future date. It is further

ORDERED that Plaintiffs' FBI Motion is **DENIED IN PART**. Substantially for the reasons articulated by the FBI in its opposition to Plaintiffs' FBI Motion, the Court concludes that the FBI *has* adequately invoked the law enforcement privilege with respect to the documents identified in Exhibit A to Plaintiffs' FBI Motion. *See Graham v. Mukasey*, 247 F.R.D. 205, 207-08 (D.D.C. 2008) (concluding that the FBI's use of deletion codes provided the magistrate judge with sufficient information to determine that the agency's privilege claims were reasonable). It is further

ORDERED that the FBI shall produce to the Court for *in camera* inspection all documents identified in Exhibit B to Plaintiffs' FBI Motion. The documents identified in **Exhibit B** shall be produced to the Court in unredacted form by no later than **May 29, 2009 at 12:00 p.m.** The Court will review those documents and notify the parties as to its ruling in due course.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
May 27, 2009