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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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United States District Court
Northern District of California

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12 VIETNAM VETERANS OF AMERICA,
13 et al.,
14 Plaintiffs,
15 v.
16 CENTRAL INTELLIGENCE AGENCY,
17 et al.,
18 Defendants.

Case No.: 09-cv-0037 CW (JSC)

**ORDER RE: MOTION TO COMPEL
DISCOVERY FROM DEFENDANT
DEPARTMENT OF VETERANS
AFFAIRS (Dkt. No. 447)**

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20 On June 14, 2012, Plaintiffs filed a Motion to Compel Discovery from Defendant
21 Department of Veterans Affairs (“DVA”). Plaintiffs seek an order: 1) compelling Defendant
22 to produce those documents over which DVA has asserted the deliberative process privilege
23 in its June 13, 2012 privilege log, and 2) requiring Defendant to reimburse Plaintiffs for their
24 out-of-pocket costs involved in resuming the depositions of Joe Salvatore and Dave Abbot.

25 Defendant’s opposition to the motion is due June 28, 2012 and is limited to 10 pages.
26 On this same date, Defendant DVA shall simultaneously submit those documents over which
27 it claims deliberative process privilege to the Court for *in camera* review and file a
28 declaration formally invoking the privilege. Plaintiffs reply is due July 5, 2012 and is

1 limited to 7 pages. The Court will advise the parties as to whether oral argument is required
2 after submission of the reply brief.

3 At the hearing on June 21, 2012, the Court considered a related issue regarding the
4 deposition of Dave Abbot. Defendants are ordered to make Mr. Abbot available for a further
5 deposition of no more than 3.5 hours. The deposition is limited in scope to those documents
6 produced after Mr. Abbot's prior deposition. The Court encourages the parties to work
7 together to find a date and time for the deposition that is convenient to Mr. Abbot.

8 Defendants' Motion to Strike the Motion to Compel (Dkt. No. 449) is DENIED.
9 Defendants' alternative request to set a briefing schedule is GRANTED as set forth above.

10 **IT IS SO ORDERED.**

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12 Dated: June 22, 2012

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15 JACQUELINE SCOTT CORLEY
16 UNITED STATES MAGISTRATE JUDGE
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Northern District of California