

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, et al.,

Plaintiffs,

19-CV-7777 (GBD) (OTW)

-against-

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

ORDER

MAKE THE ROAD NEW YORK, et al.,

Plaintiffs,

19-CV-7993 (GBD) (OTW)

-against-

KEN CUCCINELLI, et al.,

Defendants.

ORDER

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ONA T. WANG, United States Magistrate Judge:

The Court has reviewed the parties' joint letter. (ECF 231 in 19-cv-7777; ECF 259 in 19-cv-7993). It is hereby **ORDERED** that Defendants are directed to supplement/revise their privilege log by **November 13, 2020** as follows:

(1) Names and Roles of Agency Personnel. Defendants are directed to revise their privilege log to include this information. The privilege log need not be publicly filed. The Court does not find this request unduly burdensome as Exhibit 1 contains 208 entries.

(2) Privilege Descriptions. Defendant shall supplement their privilege descriptions.

(3) Identification of Attorneys. Defendants shall identify which individuals listed in the privilege log are attorneys. The Court does not find this request unduly burdensome.

(4) Application of the Deliberative Process Privilege. A ruling on this issue is premature. Neither Plaintiffs nor the Court can assess the applicability of the deliberative process privilege in a vacuum. The Court will address the applicability of the privilege if/when, after a robust meet and confer between the parties, there are particular documents where the applicability of the privilege is contested. Parties shall follow my Individual Practices for raising such disputes in the future.

(5) Completion of Privilege Review. Plaintiffs' request for the Court to set a deadline for Defendants to produce a final privilege log is denied without prejudice for renewal. The parties are directed to report on Defendants' progress regarding the privilege log in the joint status letter due by **December 2, 2020**.

Any future privilege logs concerning documents not referenced in Exhibit 1 should follow the spirit of this order.

SO ORDERED.

Dated: October 23, 2020
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge