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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE**

STATE OF WASHINGTON, et al.,

NO. 4:19-cv-05210-RMP

Plaintiffs,

DECLARATION OF
JEFFREY T. SPRUNG IN
SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL
DOCUMENTS WITHHELD
UNDER DELIBERATIVE
PROCESS PRIVILEGE

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY, a
federal agency, et al.

Defendants.

I, Jeffrey T. Sprung, declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. Attached as Exhibit A is a true and correct copy of DHS's most recent partial privilege log from the administrative record, received on or about October 9, 2020.

DECLARATION OF
JEFFREY T. SPRUNG
NO. 4:19-cv-05210-RMP

ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744

1 3. Attached as Exhibit B is a true and correct copy of the States' first
2 request for production on DHS, dated July 14, 2020.

3 4. On August 10, 2020, Plaintiffs' counsel, including me, had a
4 telephonic meeting with DHS's counsel. We discussed DHS's objections to
5 proposed search terms and records custodians.

6 5. Attached as Exhibit C is a true and correct copy of Defendant's
7 Objections to Plaintiffs' Request for Production, dated August 24, 2020.

8 6. DHS produced their first production of documents to the States on
9 August 28, 2020, which included 76 documents. Attached as Exhibit D is one of
10 the documents produced, bates stamped as DHS_EDWASH_0000507.

11 7. Attached as Exhibit E is a true and correct copy of Defendant's
12 six-page partial privilege log of documents withheld from equal protection
13 discovery, served on September 18, 2020.

14 8. On September 25, 2020, DHS produced a second production.
15 Attached as Exhibit F is one of the documents produced, bates stamped as
16 DHS_EDWASH_0001092.

17 9. Attached as Exhibit G is a true and correct copy of Defendant's
18 partial privilege log for the second production of documents, served on
19 October 2, 2020.

20 10. On September 27, 2020, I emailed Defendants' counsel to inquire
21 whether Defendants intended to revise their privilege logs and reconsider their
22

1 position on invoking the deliberative process privilege. Attached as Exhibit H is
2 that email.

3 11. Defendants' response email, dated October 2, 2020, is attached as
4 Exhibit I.

5 I declare under penalty of perjury under the laws of the State of
6 Washington and the United States that the foregoing is true and correct.

7 DATED this 14th day of October 2020, at Seattle, Washington.

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9 *s/ Jeffrey T. Sprung*
10 JEFFREY T. SPRUNG, WSBA #23607
11 Assistant Attorney General
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