

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 22-00099-DOC-DFMx

Date: February 14, 2022

Title: JOHN C. EASTMAN V. BENNIE G. THOMPSON, ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, U.S. DISTRICT JUDGE

Karlen Dubon
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER SETTING BRIEFING
SCHEDULE RE: JANUARY 4-7,
2021 DOCUMENTS**

Based on the Select Committee's representations about its priorities, the Court previously ordered Dr. Eastman to begin his production with communications from January 4-7, 2021 (Dkt. 63). Following Dr. Eastman's review of those documents, the Select Committee objected to his assertions of privilege for 130 documents, comprising 568 pages.

The Select Committee has repeatedly noted the significance of communications immediately before and after the January 6 attack on the Capitol. Given the investigation's urgency, the Court finds it appropriate to expedite its privilege review of the January 4-7, 2021 documents. The Court therefore **ORDERS** as follows:

1. Dr. Eastman shall file briefing by 4:00 pm PST on **Tuesday, February 22, 2022** supporting his assertions of privilege for each document between January 4 and January 7, 2021. Dr. Eastman shall have a maximum of 40 pages for his opening brief.

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2. Along with his opening brief, Dr. Eastman shall file with the Court and the Select Committee evidence of all attorney-client and agent relationships asserted in the privilege log. Dr. Eastman shall also provide evidence documenting any attorney-client relationships that existed with his clients. Evidence may include engagement letters, retainer agreements, or other writings. The evidence shall confirm the timing and scope of each attorney relationship and each agent relationship, including specific named lawsuits if applicable. If there is no written documentation, the Court will accept a sworn statement from an attorney, client, or agent in each relationship attesting that written documentation does not exist and specifying the timing and scope of the relationship.
3. The Select Committee shall file its opposition by 4:00 pm PST on **Wednesday, March 2, 2022**. The briefing shall address higher-level objections that apply to a substantial number of documents, as well as document-specific objections. The Select Committee shall have a maximum of 60 pages for its briefing.
4. Dr. Eastman shall file his reply to the Select Committee's objections by 4:00 pm PST on **Monday, March 7, 2022**. Dr. Eastman shall have a maximum of 20 pages for his reply brief.
5. The Court is cognizant of the time required to draft comprehensive privilege briefing for this number of documents. Given the Select Committee's request for expedited briefing, Dr. Eastman's daily quota for ongoing document review shall be decreased to 500 pages during his briefing dates: February 15-22, 2022, and March 3-7, 2022.

The Court sets a hearing for **Wednesday, March 9, 2022 at 9:00 am PST** for oral argument as to the privileges asserted in the January 4-7 documents.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11

Initials of Deputy Clerk: kdu

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