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

10 STATE OF WASHINGTON, et al.,

11 Plaintiffs,

12 v.

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

15 Defendants.

NO. 4:19-cv-05210-RMP

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

16 I, Jeffrey T. Sprung, declare as follows:

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

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

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

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

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

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

s/ Jeffrey T. Sprung  
JEFFREY T. SPRUNG, WSBA #23607  
Assistant Attorney General