

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

U.S. DEPARTMENT OF THE TREASURY)	
)	
Petitioner,)	
)	
v.)	Case No. 12-mc-100 (EGS)
)	
PENSION BENEFIT GUARANTY CORPORATION)	
)	
Interested Party,)	
)	
v.)	
)	
DENNIS BLACK, <i>et al.</i> ,)	
)	
Respondents)	

ORDER

This ancillary proceeding was initiated over five years ago when the U.S. Department of Treasury ("Treasury") moved to quash respondents' subpoena requesting the production of certain documents. Since that time, this Court has expended considerable judicial resources in evaluating Treasury's various claims of privilege over those documents, conducting an *in camera* review of hundreds of documents across multiple rounds of briefing.

On April 13, 2017, the Court resolved the last of those privilege claims and, *inter alia*, ordered Treasury to produce 63 documents that it had asserted were protected under the

presidential-communications privilege. See *U.S. Dep't of Treasury v. Pension Benefit Guar. Corp.*, No. 12-MC-100 (EGS), 2017 WL 1373234 (D.D.C. Apr. 13, 2017) ("April 13 Order"). In so doing, the Court held that, although the documents at issue were covered by the presidential-communications privilege, respondents had made an adequate showing of need to overcome the privilege and require disclosure. *Id.* at *2-3.

On April 28, 2017, Treasury filed a motion to stay the Court's April 13 Order on the ground that it was considering whether to appeal that order. See *Mot. to Stay*, ECF No. 46. The Court subsequently held a hearing on that motion, during which Treasury requested an opportunity to file a motion for reconsideration of the April 13 Order. The Court granted Treasury's request, and that motion is now ripe for resolution.

Upon careful consideration of Treasury's motion for reconsideration, the response and the reply thereto, the parties' previous submissions, a supplemental *in camera* review of the 63 documents at issue,¹ and the entire record, it is hereby

ORDERED that Treasury's motion for reconsideration is **GRANTED**; and it is

¹ Through its *in camera* review, the Court has determined that only 21 of the 63 documents are "unique" - the remaining 42 documents are either duplicate copies or drafts of those 21 documents.

FURTHER ORDERED that the Court's April 13 Order requiring production of the 63 documents over which Treasury has asserted the presidential-communications privilege shall be modified to require production only of those portions of the documents that relate to General Motors, Delphi Corporation, or the Pension Benefit Guaranty Corporation; and it is

FURTHER ORDERED that Treasury shall produce the redacted versions of those 63 documents to respondents by no later than June 30, 2017; and it is

FURTHER ORDERED that, until the time for seeking appellate review passes - and during the pendency of any appeal should one be taken - the 63 documents shall remain under seal in Chambers.

SO ORDERED.

Signed: Emmet G. Sullivan
United States District Judge
June 7, 2017