U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 7/12/2017 at 5:25 PM and filed on 7/12/2017:

Case Name: U.S. DEPARTMENT OF TREASURY v. BLACK et al

Case Number: 1:12-mc-00100-EGS

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER. On June 23, 2017, the Court vacated the portion of its June 7, 2017 Order requiring production of documents that Treasury asserts are protected from disclosure by the presidential-communications privilege to enable the Court to give further consideration to the issues raised by the parties. Having heard from the parties at a hearing on July 12, 2017, and upon careful consideration of [46, 58] Treasury's motions, the responses and replies thereto, the relevant case law, the representations of the parties in open court, and the entire record, [58] Treasury's motion to stay is HEREBY DENIED. See Nken v. Holder, 556 U.S. 418, 427 (2009) (a stay pending appeal "is not a matter of right, even if irreparable injury might otherwise result to the appellant"). Accordingly, Treasury is ORDERED to produce the portions of the documents at issue that relate to (1) General Motors, (2) Delphi Corporation, or (3) the Pension Benefit Guaranty Corporation by no later than July 21, 2017 pursuant to a protective order agreed to by the parties. The Court is persuaded by respondents' arguments that further delay could cause substantial harm to respondents, who are pensioners in varying stages of retirement and who claim that production of these documents will trigger new discovery and dispositive motion deadlines in the underlying litigation, which has been pending for over eight years. Should Treasury succeed in its appeal, any alleged harm to Treasury from compliance with this Order may be remedied through exclusion of the protected material and its fruits from evidence. See Mohawk Indus., Inc. v. Carpenter, 558 U.S. 100, 109, 112 (2009).

Signed by Judge Emmet G. Sullivan on July 12, 2017. (lcegs2)

# # #