

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**TRI-STATE HOSPITAL SUPPLY
CORPORATION,**

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 00-1463 (HHK/JMF)

APPENDIX

The following chart summarizes the court's rulings, as articulated in the accompanying memorandum opinion, regarding the applicability of the attorney-client and work product privileges to the Department of Justice documents reviewed *in camera*.

WP sustained	Tri-State does not have a sufficient need to overcome the document's work product protection. The document does not have to be produced. <u>See Memorandum Opinion</u> at 13.
WP overcome	Tri-State's need for the document overcomes its work product protection. The document must be produced. <u>See Memorandum Opinion</u> at 12.
AC sustained	The document reveals a confidential communication from a client to its attorney for the purpose of seeking legal services. The document does not have to be produced. <u>See Memorandum Opinion</u> at 7-8.

AC denied (communication from attorney)	The document reveals a communication from an attorney to his or her client, but that communication does not reveal a prior confidential communication from the client. The document has to be produced. <u>See Memorandum Opinion</u> at 8-9.
AC denied (innocuous document)	The document is innocuous and does not reveal any substantive communication from the client. The document has to be produced. <u>See Memorandum Opinion</u> at 7.
AC denied (client communication not intended to be confidential)	The document reveals a client communication that was not intended to be confidential, but rather, intended to be disclosed. The document has to be produced. <u>See Memorandum Opinion</u> at 7.
AC denied (no attorney-client relationship)	The document does not reveal a communication from someone who was or sought to become a client of the recipient. The document has to be produced. <u>See Memorandum Opinion</u> at 9.
AC sustained, but denied for forwarded documents	The transmittal document is attorney-client privileged, but the pre-existing documents forwarded to DOJ with that transmittal document are not attorney-client privileged. The pre-existing documents must be produced <i>unless</i> they are independently privileged or are not responsive to Tri-State's discovery requests. <u>See Memorandum Opinion</u> at 8.

The following chart provides the court's rulings for the DOJ documents which the government claims either attorney-client or work product protection.

First Bates #	Last Bates #	From	To	Court's Ruling
G00-P03-001	G00-P03-027	Reim, Customs Attorney	McElvain, DOJ Attorney	AC sustained
G00-P03-028	G00-P03-060	Reim	McElvain	AC sustained

G00-P03-061	G00-P03-072	Reim	McElvain	AC sustained
G00-P03-073		Reim	Kuhn, Customs Attorney	AC denied (communication from attorney)
G00-P03-074	G00-P03-084	McElvain	Gibbs, Customs Special Agent	AC denied (communication from attorney)
G00-P03-085	G00-P03-097	Reim	McElvain	AC sustained
G00-P03-098	G00-P03-103	Unknown, DOJ		WP sustained
G00-P03-104	G00-P03-109	Unknown, DOJ		WP sustained
G00-P04-412	G00-P04-438	Crocker, Customs Special Agent	Bethel, Customs Special Agent	WP overcome
G00-P04-439	G00-P04-440			WP sustained
G00-P04-441	G00-P04-444	Reim	File	WP overcome
G00-P04-445	G00-P04-446	Reim	Crocker	WP overcome
G00-P04-447	G00-P04-451	Reim	L'Huillier, Customs Special Agent	WP overcome
G00-P04-483	G00-P04-484	Hoglund, Customs Special Agent in Charge	Salamon, Customs Legal Advisor	WP overcome
G00-P04-497	G00-P04-500			WP overcome
G00-P04-501		Kuhn	McElvain	AC denied (innocuous document)
G00-P04-502		Rowley, AUSA E.D. Va.	Pisani, Customs Attorney	AC denied (no attorney-client relationship)
G00-P04-503	G00-P04-505	Hoglund	Morandini, Customs District Director	WP overcome

G00-P04-506	G00-P04-509	Morandini	Chief of Penalties Branch	WP overcome
G00-P04-510	G00-P04-512			WP overcome
G00-P04-515	G00-P04-518	Gibbs	McElvain	AC sustained, but denied for forwarded documents
G00-P04-519		Assistant General Counsel Atlanta		AC sustained
G00-P05-001	G00-P05-540	Reim	McElvain	AC sustained, but denied for forwarded documents
G00-P06-001	G00-P06-418	Reim	McElvain	AC sustained, but denied for forwarded documents
G00-P07-001	G00-P07-454	Reim	McElvain	AC sustained, but denied for forwarded documents
G00-P08-001	G00-P08-477	Reim	McElvain	AC sustained, but denied for forwarded documents
G00-P32-001	G00-P32-007	Reim	Rimerman, DOJ Attorney	AC sustained
G00-P32-008	G00-P32-022	Perla, Customs	Cohen, DOJ Attorney	AC sustained
G00-P35-001	G00-P35-002	Perla	Cohen	AC sustained
G00-P35-003	G00-P35-005	Reim	Lynch, DOJ Attorney	AC sustained
G00-P35-008	G00-P35-047	Woodward, Customs	Lau, DOJ Attorney	AC sustained

G00-P40-001	G00-P40-003	Lynch	Reim	AC sustained
G00-P40-004	G00-P40-008	Lynch	Reim	AC sustained
G00-P40-009	G00-P40-018	Lynch	Reim	AC sustained
G00-P40-019	G00-P40-020	Reim	Lynch	AC sustained
G00-P44-001	G00-P44-004	Lynch		WP sustained
G00-P45-001	G00-P45-008	Reim	Lynch	AC sustained
G00-P48-158	G00-P48-160	Lynch		WP overcome
G00-P48-161	G00-P48-169	Lynch	Lewis, DOJ	WP sustained
G01-P02-001		Lynch	Greenwell, Customs	AC denied (communication from attorney)
G01-P02-002	G01-P02-003	Lynch	Reim	AC sustained
G01-P02-004	G01-P02-007	Lynch	Reim	AC sustained
G01-P02-008	G01-P02-011	Rossi, Akin Gump	Lynch	WP sustained
G01-P02-012		Reim	Lynch	AC sustained
G01-P02-013		Lynch		WP overcome
G01-P02-014	G01-P02-015	Lynch		WP sustained
G01-P02-016		Lynch	Reim	AC denied (communication from attorney)
G01-P02-017		Lynch	Tolksdorf, Customs	AC denied (communication from attorney)
G01-P02-018	G01-P02-019	Lynch	Reim,	AC denied (communication from attorney)
G01-P02-020	G01-P02-025	Lynch	Reim	AC denied (communication from attorney)

G01-P02-026	G01-P02-027	Lynch	Reim	AC denied (communication from attorney)
G01-P03-001	G01-P03-095	Reim	Lynch	AC sustained
G01-P03-096	G01-P03-154	Reim	Lynch	AC sustained
G01-P03-275	G01-P03-471	Reim	McElvain	AC sustained, but denied for forwarded documents
G03-P01-001	G03-P01-003	Reim	Lynch	AC sustained
G03-P02-001	G03-P02-002	Lynch	Reim	AC denied (communication from attorney)
G03-P02-003		Lynch	Brown, Customs	AC denied (communication from attorney)
G03-P02-004	G03-P02-005	Lynch	Reim	AC denied (communication from attorney)
G03-P02-006		Lynch	Reim	AC denied (communication from attorney)
G03-P02-007		Lynch	Reim	AC denied (communication from attorney)
G03-P02-008	G03-P02-017	Lynch	Reim	AC denied (communication from attorney)
G03-P02-018	G03-P02-019	Lynch	Cohen	WP overcome
G03-P02-020		Lynch	Reim	AC denied (communication from attorney)

G03-P03-001		Reim	Lynch	AC denied (client communication not intended to be confidential)
G03-P03-002	G03-P03-036	Reim	Lynch	AC sustained
G03-P03-037	G03-P03-039	Reim	Lynch	AC sustained
G03-P03-040	G03-P03-042	Reim	Lynch	AC sustained
G03-P03-043	G03-P03-044	Brown	Lynch	AC denied (client communication not intended to be confidential)
G03-P03-045	G03-P03-050	Bucholtz, Customs Attorney	Cohen	AC sustained
G03-P03-052	G03-P03-054	Reim	Lynch	AC sustained
G03-P03-055	G03-P03-060	Bucholtz	Cohen	AC sustained
G03-P03-062	G03-P03-077	Woodward	Lau	AC sustained
G03-P05-141	G03-P05-142	Reim	Lynch	AC sustained
G03-P05-143		Lynch	Reim	AC denied (communication from attorney)
G03-P05-144		Lynch	Reim	AC denied (communication from attorney)
G03-P05-145	G03-P05-146	Lynch	Reim	AC denied (communication from attorney)
G03-P05-147	G03-P05-179	Lynch	Reim	AC denied (communication from attorney)
G03-P05-180	G03-P05-187	Lynch	Reim	AC denied (communication from attorney)
G03-P05-188	G03-P05-201	Reim	Lynch	AC sustained

G03-P05-202	G03-P05-214	Reim	Lynch	AC sustained
G03-P05-215	G03-P05-216	Reim	Lynch	AC sustained
G05-P01-001	G05-P01-004	McElvain	Gibbs	AC sustained
G05-P01-005	G05-P01-006	Gibbs	McElvain	AC sustained
G05-P01-007	G05-P01-008	Busis, US Trade Rep., OGC	McElvain	WP sustained
G05-P01-009		McElvain	Busis	WP sustained
G05-P01-010		McElvain	Sheperdson, US Trade Rep.	WP overcome
G05-P01-011		McElvain	Busis	WP sustained
G05-P01-012	G05-P01-015	McElvain	Boney, US Census Bureau	WP sustained
G05-P01-016		McElvain	Conrad, Customs Attorney	WP sustained
G05-P03-001		McElvain	Reim	AC denied (communication from attorney)
G05-P04-001	G05-P04-013	Reim	McElvain	AC sustained, but denied for forwarded documents
G05-P04-014	G05-P04-019	Reim	McElvain	AC sustained
G05-P04-020	G05-P04-030	McElvain	Gibbs	AC denied (communication from attorney)
G05-P04-031	G05-P04-070	McElvain	Reim	AC sustained
G08-P01-003	G08-P01-004	Reim	Lynch	AC sustained
G08-P01-005	G08-P01-013	Lynch		WP sustained
G08-P01-014	G08-P01-015	Lynch	O'Connor, Customs	AC denied (communication from attorney)

G08-P01-016	G08-P01-017	Lynch	Greenwell, Foreign Trade	AC denied (communication from attorney)
G10-P01-001	G10-P01-002	Reim	McElvain	AC sustained
G10-P01-003	G10-P01-069	Reim	McElvain	AC sustained
G10-P01-070	G10-P01-079	Sheridan, Customs	McElvain	AC sustained
G10-P01-080	G10-P01-084	Reim	McElvain	AC sustained, but denied for forwarded documents
G10-P01-085		McElvain	Reim	AC denied (communication from attorney)
G10-P01-086		McElvain	Crocker	AC denied (communication from attorney)
G10-P01-087	G10-P01-088	Reim	McElvain	AC sustained
G10-P01-089		Reim	McElvain	AC sustained
G10-P01-090	G10-P01-091	McElvain	Reim	AC denied (communication from attorney)
G10-P01-092	G10-P01-093	McElvain	Reim	AC denied (communication from attorney)
G10-P01-094	G10-P01-096	Reim	McElvain	AC sustained
G10-P01-097		Reim	McElvain	AC sustained
G10-P01-098		Reim	McElvain	AC sustained
G10-P01-099	G10-P01-100	McElvain	Reim	AC denied (communication from attorney)
G10-P01-101	G10-P01-102	Reim	McElvain	AC sustained
G10-P01-103	G10-P01-110	Reim	McElvain	AC sustained

G10-P01-111	G10-P01-112	McElvain	Reim	AC denied (communication from attorney)
G10-P01-113		Reim	McElvain	AC sustained
G10-P01-114	G10-P01-115	McElvain	Versch, Customs	AC denied (communication from attorney)
G10-P01-116	G10-P01-118	McElvain	Clarke, Customs	AC sustained
G10-P01-119		McElvain	Reim	AC denied (communication from attorney)
G10-P01-120		McElvain	Reim	AC denied (communication from attorney)
G10-P01-121		McElvain	Crocker	AC denied (communication from attorney)
G10-P01-122	G10-P01-124	Reim	McElvain	AC sustained
G10-P01-125	G10-P01-136	Sheridan	McElvain	AC sustained
G10-P01-137	G10-P01-140	Reim	McElvain	AC sustained
G10-P01-141		Gleason, Customs	McElvain	AC sustained
G10-P01-142 G10-P01-162	G10-P01-143 G10-P01-171	Lobred, Customs	McElvain	AC sustained
G10-P01-144	G10-P01-149	Reim	McElvain	AC sustained
G10-P01-150	G10-P01-152	Gibbs	McElvain	AC sustained
G10-P01-153	G10-P01-154	Gibbs	McElvain	AC sustained
G10-P01-155	G10-P01-157	Reim	McElvain	AC sustained
G10-P01-158	G10-P01-159	Lobred	McElvain	AC sustained
G10-P01-160		Lobred	McElvain	AC sustained

G10-P01-161		McElvain	Reim	AC denied (communication from attorney)
G10-P03-455	G10-P03-456	Lynch	Perla	AC denied (communication from attorney)
G10-P03-458	G10-P03-472	Reim	Lynch	AC sustained
G10-P03-473		Lynch	Reim	AC denied (communication from attorney)
G10-P03-474		Reim	Lynch	AC sustained
G10-P03-475	G10-P03-477	Lynch	Reim	AC denied (communication from attorney)
G10-P03-478	G10-P03-479	Lynch	Reim	AC denied (communication from attorney)
G10-P03-480		Reim	Lynch	AC denied (innocuous document)
G10-P03-481	G10-P03-485	Lynch, DOJ Attorney	SA Bethel	AC denied (communication from attorney)
G10-P03-486	G10-P03-487	Lynch	L'Huillier	AC denied (communication from attorney)
G10-P03-488	G10-P03-491	Lynch	Reim	AC denied (communication from attorney)
G10-P03-492		Lynch	Reim	AC denied (communication from attorney)
G10-P03-493		Reim	Lynch	AC sustained

G10-P03-494		Lynch	Reim	AC denied (communication from attorney)
G10-P03-495	G10-P03-496	Lynch	Reim	AC denied (communication from attorney)
G10-P03-497	G10-P03-499	Lynch	Reim	AC denied (communication from attorney)
G10-P03-500	G10-P03-517	Lynch	Reim	AC denied (communication from attorney)
G10-P03-518	G10-P03-519	Lynch		WP overcome
G10-P03-520	G10-P03-521	Lynch	Reim	AC denied (communication from attorney)
G10-P03-522	G10-P03-523	McHale, Customs Attorney	Cohen	AC sustained
G10-P04-027	G10-P04-036			WP overcome
G10-P04-037	G10-P04-039	Lynch	Laderberg, Customs	AC denied (communication from attorney)
G10-P04-040	G10-P04-047	Reim	Lynch	AC sustained
G10-P04-048	G10-P04-050	Reim	Lynch	AC sustained
G10-P06-260	G10-P06-265	Reim	Lynch	AC sustained
G10-P06-266	G10-P06-280	Reim	Lynch	AC sustained
G10-P06-281	G10-P06-285	Reim	Lynch	AC sustained
G10-P06-286	G10-P06-294	Reim	Lynch	AC sustained
G10-P06-295	G10-P06-303	Reim	Lynch	AC sustained
G10-P06-304	G10-P06-309	Reim	Lynch	AC sustained
G10-P06-310	G10-P06-314	Reim	Lynch	AC sustained
G10-P06-315	G10-P06-319	Reim	Lynch	AC sustained

G10-P06-320	G10-P06-382	Reim	McElvain	AC sustained, but denied for forwarded documents
G10-P06-383	G10-P06-389	Reim	Lynch	AC sustained
G10-P06-390	G10-P06-397	Reim	Lynch	AC sustained
G10-P06-398	G10-P06-409	Reim	Lynch	AC sustained
G10-P06-410	G10-P06-430	Reim	Rimerman	AC sustained
G10-P06-431	G10-P06-432	Reim	Lynch	AC sustained
G10-P06-433	G10-P06-447	Reim	Lynch	AC sustained

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: