

RULING NO. C2008-3/17

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING  
CONCERNING DEPOSITION PRIVILEGE LOGS

(Issued September 16 2008)

This ruling sets forth procedures for resolving issues concerning objections raised and subsequently documented through privilege logs associated with the deposition of Jessica Dauer Lowrance.

The first task is the submission of complete and useful privilege logs. The Postal Service filed a motion requesting additional time to supplement the privilege log associated with the first day of deposition of Jessica Dauer Lowrance.<sup>1</sup> It asserts that the hundreds of e-mails on Ms. Lowrance's computer will take a significant amount of time to review.<sup>2</sup> The Postal Service is provided until September 18, 2008 to file supplemental privilege logs associated with materials from either day of the deposition.

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<sup>1</sup> Motion of the United States Postal Service for Additional Time to Supplement Privilege Log Associated with the First Day of the Deposition of Jessica Dauer Lowrance, September 5, 2008 (Motion).

<sup>2</sup> The Motion does not request a specific amount of time.

The Postal Service previously filed privilege logs associated with days one and two of the deposition.<sup>3</sup> It will be helpful to the Commission and parties and may eliminate misunderstanding and motion practice if the privilege logs identify where in the transcripts the associated material is mentioned and the objection interposed. The Postal Service is directed to supplement its original privilege logs (and provide in all future and supplemental privilege logs) the identifying page and line number where the associated material and objection appear in the transcripts. This supplemental material is also due on September 18, 2008.

The second task is to consider requests for production of material identified by the privilege logs. Parties shall have 14 days from the filing of the supplemental privilege logs to file motions requesting production of materials where objections were made. Motions need only address the objections identified in the privilege logs, as new objections will not be entertained. If the moving party contends that specific material should be produced for public inspection, *i.e.*, should not be subject to protective conditions, the party shall make and support that representation in its motion for production.

## RULING

1. The Postal Service shall file supplements to the privilege logs associated with the deposition of Jessica Dauer Lowrance by September 18, 2008 as specified in the body of this Ruling.

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<sup>3</sup> Notice of the United States Postal Service of Filing Privilege Log Associated with the First Day of the Deposition of Jessica Dauer Lowrance, September 5, 2008; Notice of the United States Postal Service of Filing Privilege Log Associated with the Second Day of the Deposition of Jessica Dauer Lowrance, September 9, 2008.

2. Parties shall have 14 days from the submission of the supplemental privilege logs to file motions requesting specific production of materials as specified in the body of this Ruling.

Dan G. Blair  
Presiding Officer