

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

_____)	
COMMITTEE ON THE JUDICIARY,)	
UNITED STATES HOUSE)	
OF REPRESENTATIVES,)	
)	Case No. 1:08-cv-00409 (JDB)
<i>Plaintiff,</i>)	
)	
v.)	
)	
HARRIET MIERS, <i>et al.</i>)	
)	
)	
<i>Defendants.</i>)	
_____)	

**PROPOSED ORDER GRANTING PLAINTIFF’S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

UPON CONSIDERATION of the Motion for Partial Summary Judgment of Plaintiff Committee on the Judiciary of the U. S. House of Representatives (“Judiciary Committee”), the opposition thereto, and the entire record herein, it is by the Court this ____ day of ____, 2008, hereby ORDERED

That the Motion is GRANTED. As to Count I of the Complaint, it is

HEREBY DECLARED that Harriet Miers’s refusal to appear before the Judiciary Committee’s Subcommittee on Commercial and Administrative Law (collectively, with Judiciary Committee, “Committee”) in response to the subpoena issued to her, to assert executive privilege in response to particular questions, and to testify before the Committee about all subjects not covered by executive privilege, was without legal justification and violated her legal obligations; and

HEREBY DECLARED that Ms. Miers may assert executive privilege in response to Committee questions only in the presence of the Committee and only in response to particular questions, where appropriate and if properly authorized to do so; and

HEREBY DECLARED that Ms. Miers must testify before the Committee about all subjects not covered by privilege; and

ORDERED that Ms. Miers is enjoined forthwith to appear before the Committee in compliance with the Committee subpoena issued to her, to testify about all matters not covered by executive privilege and to assert executive privilege in response to questions put to her only in the presence of the Committee and only in response to particular questions, where appropriate and if properly authorized to do so.

As to Count II, it is:

HEREBY DECLARED that the failure of Ms. Miers and Joshua Bolten to produce privilege logs identifying all documents withheld on grounds of executive privilege or any other basis in response to the duly issued and served congressional subpoenas were without legal justification and violated their legal obligations; and

ORDERED that Ms. Miers and Mr. Bolten are enjoined forthwith to provide to the Committee privilege logs identifying by author, recipient, date, and subject matter all documents withheld on grounds of executive privilege or any other legal basis; and

ORDERED that Ms. Miers and Mr. Bolten are enjoined forthwith to produce to the Committee all nonprivileged documents that are responsive to the Committee subpoenas duly issued and served upon them.

John D. Bates
United States District Judge