

Synanon - Fleishman Deposition

8/25

trying to tie in ~~Lawler~~ Goodwin

① of BT's & other declarations - "substantially the same"
drafts - Lawler claims declaration drafts are work product,
if they exist

GG wants TH to search files tonight

[no resolution; will discuss later]

"subpoenaed evid." ≈ produc. of doc's

trying to est. Lawler & Henty wrote declarations

govt rules for govt interviews: ① immunity

② payout for atty fees

crim. L - destroying evid.; knowl. of crimes / i.e. consp;

signing things re \$, which was in lit.

reward the judge:

units should be dispositive if govt wins

+ still must go to tr. if " loses

~~Adams, Office~~

~~CAB~~

Symonan - Fleishman deposition

8/26

sensitive topic lists
process of reviewing ~~topics~~ types to respond to
req's for production
govt showed BF & docs in preparing declaration;
& gov't never pressed for specificity re which
types had been prepared

Judge Richey

TJ & answer on time

want brief redirect

GG & done w/exam; can finish this afternoon
interested in drafts of declarations; gov't refuses,
asserting "work prod."

request order that drafts be produced: want to distinguish
BF's & gov't's work

BF testified she wasn't shown anything in course
of gov't's interviews

10-15 boxes of docs taken w/ 3 affiants from
Symonan. Now subpoenaed by g.j.; TJ + IRS
attys reviewed. OK to get @ g.j. material
for its intrinsic value & & to get @ g.j.
proceeding (DC precedent: In re Uranium) J. Bryant, + a SC
precedent

Trying to get @ materials underlying declaration -
"recollection recorded," & & "recollection refreshed."⁷

Even if docs sought do relate to g.j.
docs, there's a balancing test to be applied.

ID³ of declarations

BF believes she got some ~~some~~ informal immunity before
formal was granted

TL misunderstanding

BF will testify she didn't extensively review docs before declaration

∅ extensive gov't lawyer's review of 10-15 boxes
motor to produce docs before q.j. - outside order
re BF's subp. duces tecum

J referring to subp. d.t. order
impressed by GG's suggestion re prior drafts —
ought to be made avail.

TH believe there's a draft or 2 in my [gov't] files
decl. is BF's story; that's why there's were changes
believe what's there - from phone calls

Burke used drafts destroyed; sent copies to DC for convenience

TH we had word processing

GG would like to see what Burke sent to DC;
∅ IRS work product

length of deposition: tried ∅ to be repetitive, but
this wit. is dispositive

haven't answered TH's Q's re how much longer
hope to conclude by 5 p.m.

TH will make drafts avail., per Judge's request

J ∅ need to go beyond order of 24th

TH will have files searched this afternoon

J need deadline

TH don't believe docs substantial

J finish by 5 p.m.; last hr. for redirect

BF deposition, 5 p.m.

GG object to TH asking Q's for Kaplan, private
litigant (Bernstein)

against law & reg: can't interfere w/official permission -
OPM & DOJ

objection to cooperation

J S interest in Bernstein, but since this depos. can
be used in that lit., wouldn't it save time?

ST has tried to facilitate lit. for IT
don't like "super-technicalities"

w/eq. it can be used in the other case, let TH or
Kaplan examine

GG w/that choice, prefer TH

TH may Q's; Kaplan suggested Q's

Kap. examination

written interrog OK

cessation of over objection of Symonow

warning re see