

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

I. LEWIS LIBBY  
also known as "SCOOTER LIBBY"

)  
) CRIMINAL NO. 05-394  
)  
)  
)

**FILED**

**MAR 24 2006**

PROPOSED CONSENT ORDER

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

This matter comes before the court upon the Government's Motion for Clarification and to Adjust Schedule for Asserting Privilege. The Court having reviewed the Government's motion and the declaration in support thereof, and otherwise being fully advised, and upon consent of the parties, it is hereby

**ORDERED** that the Government may produce to defendant pursuant to this Court's March 10, 2006 Order ("the March 10 Order") redacted documents or topic overviews related to the defendant's morning intelligence briefings, without regard to whether such materials were provided to or reviewed by the Vice President. It is further

**ORDERED** that materials produced pursuant to the March 10 Order may only be examined by defendant and four of his attorneys (Messrs. Wells, Jeffress, and Cline and Ms. Maxwell), that examination of such materials may only take place in the SCIF designated by the Court Security Officer, and that the copying of such materials is prohibited. It is further

**ORDERED** that the production of materials pursuant to the March 10 Order is for purposes of discovery only, and neither the production of such materials in classified discovery pursuant to the March 10 Order, nor the failure to assert any privilege with respect to any

materials produced pursuant to the March 10 Order, constitutes a waiver of any claim of privilege, including executive privilege, with respect to the disclosure of such documents or information at trial or other public proceedings in this case, or to any third parties. It is further

**ORDERED** that on or before May 17, 2006, the Government will produce to the defense materials for the period June 7 through July 14, 2003 that fall within the March 10 Order, or assert any claim of privilege with respect to such materials. It is further

**ORDERED** that on or before June 13, 2006, the Government will produce to the defense any remaining documents that fall within the March 10 Order, or assert any claim of privilege with respect to such materials.

SO ORDERED this 24th day of March, 2006.

*for Reggie C. Smullette, U.S. D. J.*  
Reggie B. Walton  
UNITED STATES DISTRICT JUDGE

Respectfully Submitted:

/s/  
Patrick J. Fitzgerald  
Special Counsel

Seen and Agreed To:

/s/  
Theodore V. Wells, Jr. Esq.  
William H. Jeffress, Jr. Esq.  
John D. Cline, Esq.  
Joseph Tate, Esq.  
Counsel for Defendant