

INTERNATIONAL CENTRE FOR THE SETTLEMENT OF INVESTMENT DISPUTES

TC ENERGY CORPORATION AND TRANSCANADA PIPELINES LIMITED

—v—

UNITED STATES OF AMERICA

ICSID CASE NO. ARB/21/63

PRIVILEGE MASTER'S REPORT

**1. PROCEDURAL BACKGROUND**

- 1.1 On 11 September 2023, Claimants made Document Production Requests of Respondent.
- 1.2 On 11 October 2023, Respondent filed Responses and Objections to Claimants' Document Production Requests.
- 1.3 On 26 October 2023, Claimants filed Replies to Respondent's Responses and Objections to Claimants' Document Production Requests.

- 1.4 On 6 November 2023, the Arbitral Tribunal issued Procedural Order 3 setting out its decisions on Claimants' requests for production in Annex A to that Order and ordered production by 27 November 2023.
- 1.5 To the extent Respondent objected to producing documents on the grounds that they were protected by attorney-client privilege, the Arbitral Tribunal said that it was Respondent that bears the burden of proving its objection and directed Respondent to produce a privilege log identifying (i) the date, authors and recipients of the document, (ii) a summary of its nature and content and (iii) the legal basis adduced for the objection. Procedural Order 3, Annex A at 9.
- 1.6 On 27 November 2023, Respondent produced documents and filed a privilege log.
- 1.7 On 1 December 2023, Claimants filed Objections to Respondent's Deficient Document Production, to which Respondent responded on 6 December 2023. With that response, Respondent provided a list of Attorneys on Privilege Log as Attachment 1.
- 1.8 On 8 December 2023, Claimants filed a Reply to Respondent's Comments on Claimants' Objections to Respondent's Document Production.
- 1.9 On 11 December 2023, the Arbitral Tribunal issued Procedural Order 4. In that Order, the Arbitral Tribunal, among other things, ordered that documents in respect to which Respondent had invoked attorney-client privilege would be reviewed by a Privilege Master before any decision of the Arbitral Tribunal in respect of their disclosure to Claimants.

1.10 With respect to attorney-client privilege, the arbitral tribunal said the following:

*The Tribunal first notes that there does not seem to be any difference between the parties as to the applicable standard. The Claimants submit in this respect, by relying on Respondent’s letter dated 27 December 2023 quoting Animal Welfare Inst. v. Nat’l Oceanic & Atmospheric Admin., that the applicable standard is the protection of “confidential communications from clients to their attorneys made for the purpose of securing legal advice or services” as well as “communications from attorneys to their clients if the communications rest on confidential information obtained from the client.” The Respondent does not object to that contention. As a consequence, the parties agree that documents involving the provision of legal advice by attorneys acting in that capacity are privileged, whether the legal advice relates to the arbitration or to the treaty negotiation process itself.*

Procedural Order 4 ¶ 16.

1.11 The Arbitral Tribunal ordered that, unless the parties agreed on the Privilege Master within 72 hours from the issuance of Procedural Order 4, the Privilege Master would be proposed by the Arbitral Tribunal and then appointed after considering possible objections of the parties based on proper disclosures made by the Privilege Master.

1.12 In the event, the parties did not agree upon a privilege master and, on 20 December 2023, the Arbitral Tribunal appointed Ms. Jennifer Kirby (<https://www.jennifer-kirby.com>) as the Privilege Master.

1.13 That same day, the Privilege Master signed a Non-Disclosure Statement.

1.14 On 21 December 2023, Respondent filed a revised privilege log.

- 1.15 On 22 December 2023, Respondent provided the Privilege Master with 1513 documents for her review.
- 1.16 That same day, the Privilege Master informed the parties and the Arbitral Tribunal that she did not consider that what Respondent had provided her was sufficient for her to perform her review and prepare her report and invited Respondent to resubmit the documents at issue in accordance with her directions.
- 1.17 On 27 December 2023, the Arbitral Tribunal granted Respondent until 3 January 2024 to resubmit the documents at issue to the Privilege Master and invited the Privilege Master to complete her report by 12 January 2024.
- 1.18 On 3 January 2024, Respondent submitted 1534 documents to the Privilege Master for her review, along with a revised privilege log (“**Privilege Log**”) and a list of attorneys on the Privilege Log (“**Attorney List**”).
- 1.19 On 9 January 2024, the Arbitral Tribunal extended the time limit for the Privilege Master to complete her report to 19 January 2024.

## 2. PRIVILEGE MASTER'S TERMS OF REFERENCE

- 2.1 The Privilege Master's Terms of Reference were signed by the parties, the members of the Arbitral Tribunal and the Privilege Master ("Terms of Reference" or "TOR").
- 2.2 Pursuant to the Terms of Reference, the Privilege Master shall review each of the documents for which Respondent claims attorney-client privilege in the Privilege Log and determine which of them are protected by attorney-client privilege.<sup>1</sup> TOR ¶ 5.
- 2.3 The applicable standard is that described in paragraph 16 of Procedural Order 4, namely the protection of "confidential communications from clients to their attorneys made for the purpose of securing legal advice or services" as well as "communications from attorneys to their clients if the communications rest on confidential information obtained from the client". *Id.*
- 2.4 Attachments to privileged documents are not automatically covered by the privilege pertaining to the accompanying document and must be individually assessed to determine whether privilege attaches to them. *Id.* ¶ 6.
- 2.5 The Privilege Master shall review the documents in dispute on an *ex parte* basis. *Id.* ¶ 7.

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<sup>1</sup> The Terms of Reference make reference to the privilege log from Respondent that appears in the record as Exhibit C141. For avoidance of doubt, that privilege log was superseded by the revised privilege log Respondent submitted on 3 January 2024. It is the revised privilege log of 3 January 2024 that the Privilege Master has defined as the "Privilege Log" and used in performing her work.

- 2.6 The Privilege Master may, if necessary, seek additional explanations from Respondent in respect of one or more of the documents in dispute on an *ex parte* basis. *Id.* ¶ 8.
- 2.7 Respondent shall provide the Privilege Master on an *ex parte* basis with a copy of each of the documents allegedly covered by attorney-client privilege. *Id.* ¶ 10.
- 2.8 The allegedly privileged documents shall not be disclosed to Claimants and the Arbitral Tribunal unless their production is ordered by the Arbitral Tribunal in light of the report of the Privilege Master. *Id.* ¶ 11.
- 2.9 The decisions of the Privilege Master shall be communicated to the Arbitral Tribunal and the parties in the form of a report. *Id.* ¶ 12.

3. DETERMINATIONS AND APPROACH

- 3.1 My determinations are set out in Annex A to this report.
- 3.2 Where I am persuaded that a document is protected by attorney-client privilege, I have indicated on Annex A that it is “Privileged”. Where I am not so persuaded, I have indicated that it is “Not Privileged”.
- 3.3 Subject to the notes that appear on pages 24, 36, 42, 64 and 73 of Annex A, I have reviewed each of the documents for which Respondent claims attorney-client privilege in the Privilege Log and determined which of them are protected by attorney-client privilege.
- 3.4 In making my determinations, I have applied the standard described in paragraph 16 of Procedural Order 4.
- 3.5 In applying this standard, it has not always been obvious for each document what my determination should be.
- 3.6 As explained in the *Animal Welfare* case (referenced in paragraph 16 of Procedural Order 4), in the governmental context, the attorney-client privilege applies when the “Government is dealing with its attorneys as would any private party seeking advice to protect personal interests, and needs the same assurance of confidentiality so it will not be deterred from full and frank communications with its counsellors.” *Animal Welfare*, Ex. RL67, at 8.<sup>2</sup>

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<sup>2</sup> Pin cites are to PDF page numbers.

- 3.7 “It is well-established, however, that not every communication between an attorney and a client-government or otherwise is made for the purpose of securing legal advice or services”. *Id.* “[C]onsultation with one admitted to the bar but not in that other person’s role as a lawyer is not protected.” *Id.* (internal quotation marks omitted).
- 3.8 As a consequence, “a government attorney’s ‘advice on political, strategic, or policy issues, valuable as it may [be], would not be shielded from disclosure by the attorney-client privilege.’” *Id.*
- 3.9 In the context of the documents at issue here, it is not always entirely clear in what role the lawyers mentioned in the documents are acting or whether the government is seeking legal advice (as opposed to political, strategic, or policy advice). In making my determinations, I have done the best I can in light of these ambiguities and have been mindful that Respondent bears the burden of proving with respect to each document that the attorney-client privilege applies.
- 3.10 The fact that a lawyer appears on a document as author, addressee or copyee—or is otherwise mentioned in the document—does not in and of itself make the document “Privileged”.
- 3.11 Moreover, when a person seeks input from a lawyer (e.g., request for “comments”) or sends a document to a lawyer “FYI” or seeks “clearance” of a document, I have not assumed that the person is seeking legal advice. Instead, I have considered the particularities of the document and its context to ascertain the nature of the input (if any) being sought.

- 3.12 And I have not assumed that anything a lawyer says is legal advice. Instead, I have considered the particularities of what the lawyer is saying and its context to determine whether the lawyer is giving legal advice.
- 3.13 I also note that the vast bulk of the 60 lawyers on the Lawyers List work for either the US Department of State (“**State Department**”) (38) or the Office of the US Trade Representative (“**Trade Office**”) (14)—with a handful from the Department of Justice (4), the Department of the Treasury (3) and the Department of Commerce (1), as well.
- 3.14 In doing my work, I have presumed that the “client” of a lawyer on the Lawyer List is the entity for which the lawyer works (as opposed, for example, to the government of the United States more generally). In other words, I have presumed, for example, that the client of a lawyer working for the State Department is the State Department and the client of a lawyer working for the Trade Office is the Trade Office. As a consequence, I have considered communications between a lawyer on the Lawyer List and someone outside his / her Department or Office presumptively not covered by attorney-client privilege. These are only presumptions, however, and have sometimes been overcome depending on the particularities of the document and its context.
- 3.15 Where lawyers within a given Department or Office discuss among themselves legal advice for a client, I have determined such documents to be “Privileged”. I have not, however, assumed that all internal discussions among lawyers in a given Department or Office concern legal advice for a client. Instead, I have considered the particularities of each document and its context in making my determinations.

- 3.16 Where non-lawyers in a given Department or Office are discussing between themselves legal advice they have received or intend to seek, I have treated such documents as covered by attorney-client privilege.
- 3.17 Where a document is a mark-up that reflects a lawyer's legal advice to his / her client in the form of comments or proposed revisions, I have determined the entire document to be "Privileged", not just those sections where the comments appear. I have not, however, assumed that any and all comments or proposed revisions from a lawyer on a mark-up are "Privileged". Instead, I have considered the particularities of each document and its context in making my determinations.
- 3.18 Where a lawyer has given legal advice with respect to a document at some point, and that advice has been incorporated into the document in a way that is no longer discernable on the face of the document, I have determined that the document is "Not Privileged".
- 3.19 Where a document is an email chain that contains an email that is covered by attorney-client privilege and other emails that are not, I have determined the entire document to be "Privileged", not just those portions where the privileged email appears.
- 3.20 I have also been mindful that attachments to documents I determine to be "Privileged" are not automatically also covered by the attorney-client privilege and have assessed each attachment individually to determine whether it is "Privileged" or not.

3.21 In closing, I note that, to the extent documents raise similar issues as to attorney client privilege, I have endeavored to treat them similarly when making my determinations. Given the volume of material, however, it is possible that I have sometimes failed to do so despite my best efforts. The danger of this is especially acute where borderline documents are concerned (i.e., documents that were to me neither obviously “Privileged” nor obviously “Not Privileged”). This is because borderline documents appear at various times throughout the file and the sheer number of documents prevented me from holding all of them in my mind over the course of my review to ensure their consistent treatment.

3.22 I remain at the Arbitral Tribunal’s disposal should it have any questions or wish any further information.

Date: 18 January 2024

[signed]

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Jennifer Kirby

Privilege Master

**Annex A to Privilege Master's Report**

Document	Privilege Master's Determination
6	Not Privileged
12	Not Privileged
15	Not Privileged
17	Not Privileged
18	Not Privileged
20	Not Privileged
21	Not Privileged
21A	Not Privileged
26	Not Privileged
26A	Not Privileged
27	Not Privileged
28	Not Privileged
31	Not Privileged
31A	Not Privileged
32	Not Privileged
32A	Not Privileged

Document	Privilege Master's Determination
33	Not Privileged
33A	Not Privileged
37	Not Privileged
37A	Not Privileged
45	Privileged
45A	Privileged
49	Not Privileged
49A	Not Privileged
68	Privileged
68A	Privileged
69	Privileged
71	Not Privileged
71A	Not Privileged
72	Not Privileged
72A	Not Privileged
76	Not Privileged
77	Not Privileged
78	Not Privileged

Document	Privilege Master's Determination
78A	Not Privileged
79	Not Privileged
79A	Not Privileged
79B	Not Privileged
82	Not Privileged
83	Not Privileged
91	Not Privileged
91A	Not Privileged
92	Not Privileged
92A	Not Privileged
93	Privileged
94	Privileged
95	Not Privileged
98	Not Privileged
98A	Not Privileged
99	Not Privileged
100	Not Privileged
101	Not Privileged

Document	Privilege Master's Determination
105	Not Privileged
107	Not Privileged
107A	Not Privileged
107B	Not Privileged
108	Not Privileged
108A	Not Privileged
108B	Not Privileged
108C	Not Privileged
108D	Not Privileged
108E	Not Privileged
108F	Not Privileged
111	Not Privileged
112	Not Privileged
113	Not Privileged
122	Privileged
123	Privileged
123A	Not Privileged
123B	Not Privileged

Document	Privilege Master's Determination
124	Privileged
124A	Not Privileged
124B	Not Privileged
125	Privileged
125A	Privileged
125B	Not Privileged
125C	Not Privileged
126	Privileged
126A	Not Privileged
126B	Not Privileged
127	Not Privileged
128	Not Privileged
128A	Not Privileged
128B	Not Privileged
128C	Not Privileged
128D	Not Privileged
128E	Not Privileged
129	Privileged

Document	Privilege Master's Determination
130	Privileged
131	Not Privileged
132	Not Privileged
133	Not Privileged
134	Not Privileged
134A	Not Privileged
134B	Not Privileged
134C	Not Privileged
139	Privileged
139A	Privileged
140	Privileged
140A	Not Privileged
141	Not Privileged
141A	Not Privileged
141B	Not Privileged
153	Not Privileged
153A	Not Privileged
154	Not Privileged

Document	Privilege Master's Determination
154A	Not Privileged
156	Not Privileged
160	Not Privileged
160A	Not Privileged
161	Not Privileged
161A	Not Privileged
162	Not Privileged
162A	Not Privileged
165	Not Privileged
165A	Not Privileged
172	Not Privileged
172A	Not Privileged
173	Not Privileged
174	Not Privileged
175	Not Privileged
177	Not Privileged
180	Privileged
181	Privileged

Document	Privilege Master's Determination
182	Privileged
183	Privileged
183A	Not Privileged
184	Privileged
184A	Not Privileged
185	Privileged
187	Not Privileged
188	Not Privileged
194	Not Privileged
194A	Not Privileged
204	Not Privileged
204A	Not Privileged
205	Privileged
206	Privileged
207	Privileged
207A	Not Privileged
208	Privileged
209	Privileged

Document	Privilege Master's Determination
209A	Not Privileged
210	Privileged
211	Privileged
212	Privileged
213	Privileged
214	Privileged
215	Privileged
216	Privileged
217	Privileged
218	Privileged
219	Privileged
220	Privileged
221	Privileged
222	Not Privileged
222A	Not Privileged
224	Not Privileged
226	Not Privileged
231	Not Privileged

Document	Privilege Master's Determination
247	Not Privileged
249	Not Privileged
257	Not Privileged
263	Not Privileged
264	Not Privileged
267	Not Privileged
267A	Not Privileged
272	Not Privileged
272A	Not Privileged
273	Privileged
273A	Not Privileged
274	Not Privileged
274A	Not Privileged
275	Privileged
275A	Privileged
276	Privileged
276A	Not Privileged
277	Privileged

Document	Privilege Master's Determination
278	Privileged
278A	Not Privileged
279	Privileged
279A	Not Privileged
280	Privileged
280A	Privileged
281	Privileged
281A	Not Privileged
282	Privileged
283	Not Privileged
283A	Not Privileged
286	Privileged
286A	Privileged
287	Privileged
288	Privileged
288A	Not Privileged
289	Privileged
290	Privileged

Document	Privilege Master's Determination
291	Not Privileged
291A	Not Privileged
292	Privileged
292A	Privileged
293	Privileged
294	Privileged
294A	Privileged
295	Privileged
295A	Privileged
296	Privileged
297	Privileged
298	Not Privileged
298A	Not Privileged
299	Privileged
300	Privileged
300A	Privileged
300B	Not Privileged
301	Not Privileged

Document	Privilege Master's Determination
301A	Not Privileged
307	Privileged
308	Not Privileged
308A	Not Privileged
309	Not Privileged
312	Privileged
314	Privileged
314A	Privileged
314B	Not Privileged
315	Privileged
315A	Privileged
316	Privileged
316A	Not Privileged
317	Privileged
318	Privileged
319	Privileged
320	Privileged
321	Privileged

Document	Privilege Master's Determination
322	Privileged
323	Privileged
324	Not Privileged
324A	Not Privileged
325	Privileged
326	Privileged
328	Not Privileged
328A	Not Privileged
328B	Not Privileged
329	Privileged
330	Not Privileged
330A	Not Privileged
330B	Not Privileged
330C	Not Privileged
330D	Not Privileged
331	Not Privileged
331A	Not Privileged
332	Not Privileged

Document	Privilege Master's Determination
332A	Not Privileged
332B	Not Privileged
332C	Not Privileged
332D	Not Privileged
333	Not Privileged
333A	Not Privileged
334	Not Privileged
334A	Not Privileged
334B	Not Privileged
335	Not Privileged
335A	Not Privileged
336	Privileged
337	Privileged
337A	Not Privileged
338	Privileged
338A	Not Privileged
339	Not Privileged
340	Not Privileged

Document	Privilege Master's Determination
340A	Not Privileged
340B	Not Privileged
340C	Not Privileged
341	Not Privileged
342	Not Privileged
342A	Not Privileged
342B	Not Privileged
342C	Not Privileged
343	Not Privileged
344	Not Privileged
346	Not Privileged
348	Not Privileged
349	Not Privileged
350	Not Privileged
351	Not Privileged
352	Not Privileged
352A	Not Privileged
352B	Not Privileged

Document	Privilege Master's Determination
352C	Not Privileged
354	Not Privileged
355	Not Privileged
355A	Not Privileged
360	Not Privileged
361	Not Privileged
365	Not Privileged
365A	Not Privileged
368	Not Privileged
368A	Not Privileged
370	Not Privileged
370A	Not Privileged
370B	Not Privileged
370C	Not Privileged
370D	Not Privileged
371	Privileged
371A	Not Privileged
371B	Not Privileged

Document	Privilege Master's Determination
371C	Not Privileged
372	Privileged
373	Not Privileged
373A	Not Privileged
374	Not Privileged
375	Not Privileged
376	Not Privileged
377	Not Privileged
378	Not Privileged
379	Privileged
379A	Not Privileged
379B	Not Privileged
379C	Not Privileged
380	Privileged
380A	Not Privileged
380B	Not Privileged
380C	Not Privileged
381	Privileged

Document	Privilege Master's Determination
381A	Not Privileged
381B	Not Privileged
382	Privileged
382A	Not Privileged
382B	Not Privileged
382C	Not Privileged
383	Not Privileged
383A-A	Not Privileged
383A-B	Not Privileged
383A-C	Not Privileged
383A	Not Privileged
384	Privileged
384A	Not Privileged
384B	Not Privileged
384C	Not Privileged
386	Privileged
386A	Privileged
387	Privileged

Document	Privilege Master's Determination
387A	Privileged
388	Privileged
388A	Privileged
389	Privileged
389A	Privileged
390	Privileged
391	Privileged
392	Privileged
393	Privileged
394	Privileged
394A	Privileged
395	Privileged
395A	Privileged
396	Privileged
396A	Privileged
397	Privileged
397A	Privileged
398	Privileged

Document	Privilege Master's Determination
399	Privileged
399A	Privileged
400	Privileged
400A	Privileged
401	Privileged
401A	Privileged
402	Not Privileged
403	Not Privileged
419	Not Privileged
420	Not Privileged
421	Not Privileged
430	Privileged
430A	Privileged
431	Privileged
431A	Privileged
432	Privileged
432A	Privileged
433	Privileged

Document	Privilege Master's Determination
433A	Not Privileged
433B	Privileged
433C	Not Privileged
434	Privileged
434A	Privileged
434B	Not Privileged
434C	Not Privileged
435	Privileged
436	Privileged
437	Privileged
437A	Privileged
438	Privileged
438A	Privileged
439	Privileged
439A	Privileged
440	Privileged
440A	Privileged
441	Privileged

Document	Privilege Master's Determination
441A	Privileged
441B	Privileged
442	Privileged
442A	Privileged
442B	Privileged
443	Privileged
443A	Privileged
443B	Privileged
444	Privileged
444A	Privileged
444B	Privileged
445	Privileged
446	Privileged
447	Privileged
448	Privileged
449	Privileged
450	Privileged
451	Privileged

Document	Privilege Master's Determination
452	Privileged
453	Privileged
454	Privileged <i>Note: Document 454 is in the documents Respondent provided to me, though there is no 454 on the Privilege Log.</i>
455	Privileged
456	Privileged
457	Privileged
458	Privileged
459	Privileged
460	Privileged
461	Privileged
462	Privileged
463	Privileged
464	Privileged
465	Privileged
466	Privileged
466A	Privileged
466B	Privileged

Document	Privilege Master's Determination
467	Privileged
468	Privileged
469	Privileged
470	Privileged
471	Privileged
471A	Privileged
471B	Privileged
472	Privileged
472A	Privileged
472B	Privileged
473	Not Privileged
473A	Not Privileged
474	Not Privileged
474A	Not Privileged
478	Not Privileged
478A	Not Privileged
478B	Not Privileged
481	Not Privileged

Document	Privilege Master's Determination
481A	Not Privileged
485	Not Privileged
485A	Not Privileged
485B	Not Privileged
486	Not Privileged
488	Privileged
488A	Privileged
488B	Privileged
489	Privileged
490	Privileged
491	Privileged
492	Privileged
493	Privileged
494	Privileged
495	Privileged
496	Privileged
497	Privileged
498	Privileged

Document	Privilege Master's Determination
499	Privileged
500	Privileged
501	Privileged
502	Privileged
503	Privileged
504	Privileged
505	Privileged
506	Privileged
507	Privileged
508	Privileged
509	Privileged
510	Not Privileged
510A	Not Privileged
511	Privileged
512	Privileged
513	Privileged
514	Privileged
515	Privileged

Document	Privilege Master's Determination
519	Privileged
519A-A	Not Privileged
519A	Not Privileged
520	Not Privileged
524	Not Privileged
524A	Not Privileged
527	Not Privileged
527A	Not Privileged
527B	Not Privileged
537	Not Privileged
537A	Not Privileged
537B	Not Privileged
540	Not Privileged
541	Not Privileged
544	Not Privileged
546	Not Privileged
546A	Not Privileged
548	Privileged

Document	Privilege Master's Determination
548A	Privileged
549	Privileged
549A	Privileged
550	Privileged
550A	Privileged
551	Not Privileged
553	Privileged
553A	Privileged
554	Privileged
554A	Privileged
555	Privileged
555A	Privileged
556	Privileged
556A	Privileged
557	Privileged
557A	Privileged
558	Privileged
558A	Privileged

Document	Privilege Master's Determination
559	Privileged
559A	Privileged
560	Privileged
560A	Privileged
562	Not Privileged
563	Not Privileged
564	Privileged
564A	Privileged
565	Privileged
565A	Privileged
566	Not Privileged
569	Not Privileged
571	Not Privileged
572	Not Privileged
573	Not Privileged
573A	Not Privileged
573B	Not Privileged
573C	Not Privileged

Document	Privilege Master's Determination
574	Privileged
575	Privileged
576	Not Privileged
576A	Not Privileged
578	Not Privileged
578A	Not Privileged
583	Privileged
583A	Privileged
584	Not Privileged
585	Not Privileged
585A	Not Privileged
585B	Not Privileged
585C	Not Privileged
585D	Not Privileged
587	Not Privileged
588	Not Privileged
588A	Not Privileged
588B	Not Privileged

Document	Privilege Master's Determination
588C	Not Privileged
593	Not Privileged
593A	Not Privileged
593B	Not Privileged
593C	Not Privileged
593D	Not Privileged
594	Privileged
594A	Not Privileged
594B	Not Privileged
594C	Not Privileged
594D	Not Privileged
595	Privileged
595A	Not Privileged
595B	Not Privileged
595C	Not Privileged
595D	Not Privileged
596	Privileged
596A	Not Privileged

Document	Privilege Master's Determination
596B	Not Privileged
596C	Not Privileged
596D	Not Privileged
597	Privileged
597A	Not Privileged
597B	Not Privileged
597C	Not Privileged
597D	Not Privileged
599	Privileged
599A	Not Privileged
599B	Not Privileged
599C	Not Privileged
599D	Not Privileged
601	Not Privileged
601A	Not Privileged
601B	Not Privileged
608	Not Privileged
609	Not Privileged

Document	Privilege Master's Determination
628	Not Privileged
628A	Not Privileged
628B	Not Privileged
629	Not Privileged
630	Not Privileged
631	Not Privileged
631A	Not Privileged
631B	Not Privileged
632	Not Privileged
634	Not Privileged
635	Not Privileged
636	Not Privileged
637	Not Privileged
639	Not Privileged
643	Not Privileged
645	Not Privileged
646	Not Privileged
646A	Not Privileged

Document	Privilege Master's Determination
648	Not Privileged
656	Not Privileged
657	Not Privileged
670	Not Privileged
670A	Not Privileged
670B	Not Privileged
671	Privileged
672	Privileged
673	Privileged
674	Privileged
675	Privileged
675A	Privileged
676	Privileged
676A	Privileged
677	Privileged
677A	Privileged
678	Not Privileged
679	Not Privileged

Document	Privilege Master's Determination
680	Not Privileged
681	Not Privileged
682	Not Privileged
683	Not Privileged
684	Not Privileged
684A	Not Privileged
688	Not Privileged
688A	Not Privileged
690	Privileged
690A	Privileged
691	Privileged
691A	Privileged
692	Privileged
692A	Privileged
693	Privileged
693A	Privileged
694	Privileged <i>Note: Document 694 and document 694A are in the documents Respondent provided to me, though there is no 694 on the Privilege Log.</i>

Document	Privilege Master's Determination
694A	Privileged
695	Privileged
695A	Privileged
696	Privileged
696A	Privileged
697	Privileged
697A	Privileged
698	Privileged
698A	Privileged
699	Privileged
699A	Privileged
703	Not Privileged
703A	Not Privileged
709	Privileged
709A	Privileged
709B	Privileged
710	Privileged
710A	Privileged

Document	Privilege Master's Determination
711	Privileged
711A	Privileged
711B	Privileged
716	Privileged
716A	Privileged
717	Privileged
717A	Privileged
718	Privileged
718A	Privileged
719	Privileged
719A	Privileged
720	Privileged
720A	Privileged
721	Privileged
721A	Privileged
722	Privileged
722A	Privileged
723	Privileged

Document	Privilege Master's Determination
723A	Privileged
724	Privileged
724A	Privileged
725	Privileged
725A	Privileged
726	Privileged
726A	Privileged
727	Not Privileged
727A	Not Privileged
727B	Not Privileged
729	Not Privileged
734	Not Privileged
734A	Not Privileged
734B	Not Privileged
736	Privileged
736A	Privileged
737	Privileged
737A	Privileged

Document	Privilege Master's Determination
737B	Privileged
737C	Privileged
738	Privileged
738A	Privileged
739	Privileged
739A	Privileged
739B	Privileged
739C	Privileged
740	Privileged
740A	Privileged
741	Privileged
741A	Privileged
742	Not Privileged
742A	Not Privileged
742B	Not Privileged
743	Not Privileged
743A	Not Privileged
743B	Not Privileged

Document	Privilege Master's Determination
744	Not Privileged
744A	Not Privileged
744B	Not Privileged
745	Not Privileged
745A	Not Privileged
745B	Not Privileged
757	Not Privileged
757A	Not Privileged
757B	Not Privileged
758	Not Privileged
761	Not Privileged
762	Not Privileged
763	Not Privileged
763A	Not Privileged
764	Not Privileged
766	Not Privileged
768	Not Privileged
769	Not Privileged

Document	Privilege Master's Determination
769A	Not Privileged
773	Not Privileged
774	Not Privileged
775	Not Privileged
776	Not Privileged
780	Not Privileged
782	<i>Note: 782 appears on the Privilege Log, but there is no document 782 in the documents Respondent provided to me, only document 782A and document 782B.</i>
782A	Not Privileged
782B	Privileged
783	Privileged
783A	Not Privileged
785	Privileged
785A	Privileged
786	Not Privileged
787	Not Privileged
788	Not Privileged
789	Not Privileged

Document	Privilege Master's Determination
790	Not Privileged
791	Not Privileged
792	Not Privileged
794	Not Privileged
795	Not Privileged
795A	Not Privileged
797	Not Privileged
797A	Not Privileged
799	Not Privileged
799A	Not Privileged
799B	Not Privileged
800	Not Privileged
800A	Not Privileged
802	Privileged
802A	Privileged
803	Privileged
803A	Not Privileged
804	Privileged

Document	Privilege Master's Determination
804A	Privileged
805	Privileged
805A	Privileged
806	Privileged
806A	Privileged
807	Privileged
808	Privileged
809	Privileged
810	Privileged
813	Not Privileged
813A	Not Privileged
813B	Not Privileged
814	Not Privileged
814A	Not Privileged
814B	Not Privileged
815	Not Privileged
815A	Not Privileged
816	Privileged

Document	Privilege Master's Determination
816A	Privileged
816B	Privileged
817	Privileged
817A	Not Privileged
818	Privileged
818A	Not Privileged
819	Privileged
819A	Privileged
819B	Privileged
820	Not Privileged
820A	Not Privileged
820B	Not Privileged
827	Not Privileged
827A	Not Privileged
830	Not Privileged
830A	Not Privileged
832	Privileged
834	Not Privileged

Document	Privilege Master's Determination
834A	Not Privileged
835	Not Privileged
837	Not Privileged
837A	Not Privileged
839	Not Privileged
840	Not Privileged
841	Not Privileged
842	Not Privileged
842A	Not Privileged
844	Not Privileged
844A	Not Privileged
845	Not Privileged
845A	Not Privileged
846	Not Privileged
846A	Not Privileged
847	Not Privileged
847A	Not Privileged
847B	Not Privileged

Document	Privilege Master's Determination
848	Not Privileged
851	Not Privileged
851A	Not Privileged
851B	Not Privileged
854	Privileged
855	Privileged
856	Not Privileged
856A	Not Privileged
856B	Not Privileged
857	Not Privileged
858	Not Privileged
858A	Not Privileged
858B	Not Privileged
866	Not Privileged
867	Not Privileged
868	Not Privileged
869	Not Privileged
870	Not Privileged

Document	Privilege Master's Determination
871	Not Privileged
872	Not Privileged
874	Not Privileged
884	Not Privileged
884A	Not Privileged
888	Not Privileged
893	Not Privileged
895	Privileged
895A	Privileged
895bis	Not Privileged
895bisA	Not Privileged
896	Privileged
902	Privileged
902A	Privileged
903	Not Privileged
903A	Not Privileged
907	Not Privileged
908	Not Privileged

Document	Privilege Master's Determination
909	Privileged
910	Privileged
911	Privileged
912	Privileged
913	Privileged
914	Privileged
914A	Privileged
915	Privileged
916	Privileged
916A	Privileged
918	Privileged
919	Privileged
920	Privileged
921	Privileged
921A	Privileged
923	Not Privileged
923A	Not Privileged
924	Not Privileged

Document	Privilege Master's Determination
925	Not Privileged
926	Not Privileged
926A	Not Privileged
926B	Not Privileged
927	Not Privileged
930bis	Privileged
930bisA	Privileged
930bisB	Not Privileged
930bisB-A	Not Privileged
930bisB-B	Not Privileged
938	Privileged
939	Privileged
940	Privileged
941	Privileged
942	Privileged
943	Privileged
944	Privileged
948	Privileged

Document	Privilege Master's Determination
965	Privileged
965A	Privileged
967	Privileged
967A	Not Privileged
967B	Privileged
968	Privileged
968A	Not Privileged
968B	Privileged
969	Privileged
969A	Not Privileged
969B	Privileged
970	Privileged
970A	Not Privileged
970B	Privileged
973	Privileged
980	Not Privileged
980A	Not Privileged
983	Privileged

Document	Privilege Master's Determination
984	Privileged
985	Not Privileged
985A	Not Privileged
987	Privileged
987A	Privileged
990	Privileged
991	Not Privileged
991A	Not Privileged
992	Privileged
993	Privileged
1007	Privileged
1011	Not Privileged
1013	Not Privileged
1014	Not Privileged
1015	Not Privileged
1016	Not Privileged
1018	Not Privileged
1022	Not Privileged

Document	Privilege Master's Determination
1023	Privileged
1023A	Privileged
1024	Privileged
1025	Privileged
1028	Not Privileged
1029	Privileged
1029A	Not Privileged
1030	Privileged
1031	Privileged
1033	Not Privileged
1034	Privileged
1035	Privileged
1036	Privileged
1037	Privileged
1045	Not Privileged
1048	Not Privileged
1048A	Not Privileged
1048B	Not Privileged

Document	Privilege Master's Determination
1048C	Not Privileged
1048D	Not Privileged
1049	Not Privileged
1049A	Not Privileged
1049B	Not Privileged
1049C	Not Privileged
1049D	Not Privileged
1050	Not Privileged
1051	Not Privileged
1055	Not Privileged
1056	Not Privileged
1057	Not Privileged
1058	Not Privileged
1061	Not Privileged
1061A	Not Privileged
1061B	Not Privileged
1067	Not Privileged
1067A	Not Privileged

Document	Privilege Master's Determination
1068	Privileged
1069	Privileged
1072	Privileged
1073	Not Privileged
1073A	Not Privileged
1074	Privileged
1076	Privileged
1078	Privileged
1079	Privileged
1080	Privileged
1081	Privileged
1082	Privileged
1082A	Privileged
1083	Privileged
1084	Privileged
1085	Privileged
1093	Privileged
1094	Privileged

Document	Privilege Master's Determination
1094A	Privileged
1095	Privileged
1095A	Privileged
1096	Privileged
1097	Privileged
1098	Privileged
1099	Not Privileged
1100	Not Privileged
1102	Not Privileged
1103	Not Privileged
1108	Not Privileged
1108A	Not Privileged
1109	Not Privileged
1110	Not Privileged
1111	Not Privileged
1112	Not Privileged
1113	Not Privileged
1113A	Not Privileged

Document	Privilege Master's Determination
1114	Not Privileged
1115	Not Privileged
1116	Not Privileged
1116A	Not Privileged
1118	Not Privileged
1118A	Not Privileged
1131	Privileged
1132	Privileged
1133	Privileged
1133A	Privileged
1133B	Privileged
1134	Privileged
1135	Privileged
1135A	Privileged
1136	Privileged
1156	Privileged
1156A	Privileged
1156B	Privileged

Document	Privilege Master's Determination
1159	Privileged
1166	Privileged
1167	Privileged
1167A	Privileged
1168	Privileged
1168A	Privileged
1169	Privileged
1169A	Privileged
1171	Not Privileged
1172	Not Privileged
1173	Not Privileged
1174	Not Privileged
1175	Not Privileged
1176	Not Privileged
1178	Not Privileged
1178A	Not Privileged
1179	Not Privileged
1179A	Not Privileged

Document	Privilege Master's Determination
1197	Not Privileged
1197A	Not Privileged
1198	Not Privileged
1198A	Not Privileged
1200	Not Privileged
1201	Not Privileged
1201A	Not Privileged
1202	Not Privileged
1203	Not Privileged
1203A	Not Privileged
1204	Not Privileged
1205	Not Privileged
1206	Not Privileged
1207	Not Privileged
1208	Not Privileged
1209	Not Privileged
1210	Not Privileged
1211	Not Privileged

Document	Privilege Master's Determination
1213	Not Privileged
1214	Not Privileged
1215	Not Privileged
1216	Not Privileged
1217	Not Privileged
1218	Not Privileged
1218A	Not Privileged
1218B	Not Privileged
1219	Not Privileged
1220	Not Privileged
1221	Not Privileged
1222	Not Privileged
1223	Not Privileged
1224	Not Privileged
1225	Not Privileged
1226	Not Privileged
1227	Not Privileged
1228	Not Privileged

Document	Privilege Master's Determination
1229	Not Privileged
1230	Not Privileged
1231	Not Privileged
1232	Not Privileged
1233	Not Privileged
1234	Not Privileged
1235	Not Privileged
1236	Not Privileged
1237	Not Privileged
1238	Not Privileged
1239	Not Privileged
1240	Not Privileged
1241	Not Privileged
1242	Not Privileged
1243	Not Privileged
1244	Not Privileged
1245	Not Privileged
1246	Not Privileged

Document	Privilege Master's Determination
1247	Not Privileged
1248	Not Privileged
1249	Privileged
1250	Privileged
1251	Not Privileged
1252	Not Privileged
1254	Not Privileged
1254A	Not Privileged
1254B	Not Privileged
1255	Not Privileged
1256	Not Privileged
1256A	Not Privileged
1257	Not Privileged
1258	Not Privileged
1258A	Not Privileged
1258B	Not Privileged
1260	Not Privileged
1260A	Not Privileged

Document	Privilege Master's Determination
1261	Privileged
1261A	Not Privileged
1262	Not Privileged
1263	Privileged
1264	Privileged
1270	Not Privileged
1270A	Not Privileged
1275	Not Privileged
1275A	Not Privileged
1277	Privileged
1277A	Not Privileged
1277B	Not Privileged
1277C	Not Privileged
1277D	Not Privileged
1277E	Not Privileged
1277F	Not Privileged
1281	Not Privileged
1284	Privileged

Document	Privilege Master's Determination
1284A	Not Privileged
1289	Not Privileged <i>Note: Document 1289, document 1289A and document 1289B are in the documents Respondent provided to me, though there is no 1289 on the Privilege Log.</i>
1289A	Not Privileged
1289B	Not Privileged
1291	Privileged
1291A	Privileged
1291B	Not Privileged
1293	Not Privileged
1293A	Not Privileged
1293B	Not Privileged
1294	Not Privileged
1295	Not Privileged
1296	Not Privileged
1296A	Not Privileged
1298	Not Privileged
1298A	Not Privileged

Document	Privilege Master's Determination
1303	Privileged
1303A	Not Privileged
1310	Privileged
1311	Privileged
1311A	Not Privileged
1311B	Not Privileged
1311C	Not Privileged
1312	Privileged
1312A	Privileged
1312B	Privileged
1312C	Privileged
1318	Privileged
1319	Privileged
1320	Privileged
1321	Privileged
1322	Privileged
1323	Privileged
1323A	Privileged

Document	Privilege Master's Determination
1324	Privileged
1324A	Privileged
1326	Privileged
1326A	Not Privileged
1326B	Not Privileged
1326C	Not Privileged
1327	Privileged
1327A	Not Privileged
1327B	Not Privileged
1327C	Not Privileged
1328	Privileged
1329	Not Privileged
1330	Not Privileged
1330A	Not Privileged
1330B	Not Privileged
1330C	Not Privileged
1331	Not Privileged
1331A	Not Privileged

Document	Privilege Master's Determination
1331B	Not Privileged
1331C	Not Privileged
1332	Not Privileged
1332A	Not Privileged
1332B	Not Privileged
1332C	Not Privileged
1336	Privileged
1336A	Not Privileged
1336B	Not Privileged
1336C	Not Privileged
1337	Privileged
1337A	Not Privileged
1337B	Not Privileged
1337C	Not Privileged
1338	Privileged
1338A	Privileged
1338B	Privileged
1338C	Privileged

Document	Privilege Master's Determination
1340	Privileged
1340A	Privileged
1341	Not Privileged
1341A	Not Privileged
1341bis	Privileged
1342	Privileged
1343	Privileged
1345	Privileged
1345A	Privileged
1346	Privileged
1346A	Privileged
1346B	Not Privileged
1346C	Not Privileged
1346D	Not Privileged
1347	Not Privileged
1347A	Not Privileged
1348	Not Privileged
1348A	Not Privileged

Document	Privilege Master's Determination
1349	Not Privileged
1349A	Not Privileged
1349B	Not Privileged
1349C	Not Privileged
1350	Not Privileged
1350A	Not Privileged
1351	Not Privileged
1351A	Not Privileged
1352	Not Privileged
1352A	Not Privileged
1355	Privileged
1355A	Not Privileged
1355B	Not Privileged
1355C	Not Privileged
1356	Not Privileged
1356A	Not Privileged
1357	Privileged
1358	Privileged

Document	Privilege Master's Determination
1359	Privileged
1360	Privileged
1361	Privileged
1362	Privileged
1363	Privileged
1364	Privileged
1365	Privileged
1366	Privileged
1366A	Not Privileged
1366B	Not Privileged
1366C	Not Privileged
1366D	Not Privileged
1367	Not Privileged
1368	Not Privileged
1369	Privileged
1370	Privileged
1372	Privileged
1372A	Not Privileged

Document	Privilege Master's Determination
1372B	Not Privileged
1372C	Not Privileged
1372D	Not Privileged
1373	Privileged
1374	Privileged
1375	Not Privileged
1378	Privileged
1378A	Not Privileged
1379	Privileged
1380	Privileged
1381	Privileged
1387	Privileged
1387A	Not Privileged
1388	Privileged
1389	Privileged
1390	Privileged
1391	Privileged
1392	Privileged

Document	Privilege Master's Determination
1393	Privileged
1394	Privileged
1395	Privileged
1396	Privileged
1396A	Not Privileged
1397	Privileged
1397A	Privileged
1398	Privileged
1399	Privileged
1400	Privileged
1400A	Privileged
1401	Privileged
1402	Privileged
1402A	Privileged
1403	Privileged
1403A	Privileged
1404	Privileged
1404A	Privileged

Document	Privilege Master's Determination
1405	Not Privileged
1405A	Not Privileged
1408	<i>Note: 1408 appears on the Privilege Log, but there is no document 1408 in the documents Respondent provided to me, only document 1408A, document 1408B and document 1408C.</i>
1408A	Privileged
1408B	Privileged
1408C	Not Privileged
1410	Not Privileged
1410B	Not Privileged
1411	Privileged
1411A	Privileged
1412	Privileged
1412A	Privileged
1417	Privileged
1418	Privileged
1418A	Privileged
1419	Privileged
1419A	Not Privileged

Document	Privilege Master's Determination
1421	Privileged
1421A	Privileged
1422	Privileged
1423	Privileged
1423A	Privileged
1424	Privileged
1425	Privileged
1426	Privileged
1427	Privileged
1427A	Privileged
1431	Privileged
1432	Privileged
1433	Privileged
1438	Not Privileged
1438A	Not Privileged
1441	Not Privileged
1442	Not Privileged
1443	Not Privileged

Document	Privilege Master's Determination
1444	Not Privileged
1448	Not Privileged
1449	Privileged
1449A	Privileged
1450	Not Privileged
1451	Not Privileged
1453	Privileged
1453A	Privileged
1455	Not Privileged
1459	Privileged
1459A	Privileged
1461	Privileged
1461A	Privileged
1462	Privileged
1462A	Privileged
1466	Privileged
1466A	Privileged
1467	Privileged

Document	Privilege Master's Determination
1467A	Privileged
1468	Privileged
1468A	Privileged
1469	Privileged
1472	Not Privileged
1472A	Not Privileged
1473	Privileged
1473A	Privileged
1474	Privileged
1475	Privileged
1476	Privileged
1477	Privileged
1478	Privileged
1478A	Privileged
1479	Privileged
1479A	Privileged
1480	Privileged
1481	Privileged

Document	Privilege Master's Determination
1483	Privileged
1483A	Privileged
1483B	Not Privileged
1484	Privileged
1484A	Privileged
1484B	Not Privileged
1485	Not Privileged
1486	Not Privileged
1487	Privileged
1487A	Not Privileged
1488	Privileged
1489	Privileged
1490	Privileged
1491	Privileged
1492	Privileged
1492A	Privileged
1493	Privileged
1493A	Privileged

Document	Privilege Master's Determination
1494	Privileged
1495	Privileged
1495A	Privileged
1499	Privileged
1500	Not Privileged
1500A	Not Privileged
1501	Privileged
1501A	Privileged
1505	Not Privileged
1505A	Not Privileged
1506	Privileged
1506A	Privileged
1511	Privileged
1512	Privileged
1512A	Privileged
1514	Not Privileged
1514A	Not Privileged
1515	Privileged

Document	Privilege Master's Determination
1515A	Privileged
1517	Not Privileged
1517A	Not Privileged
1518	Privileged
1518A	Privileged
1519	Privileged
1520	Privileged
1521	Not Privileged
1521A	Not Privileged
1522	Not Privileged
1522A	Not Privileged
1523	Privileged
1523A	Privileged
1524	Not Privileged
1525	Privileged
1526	Privileged
1527	Privileged
1528	Privileged

Document	Privilege Master's Determination
1529	Privileged
1530	Not Privileged
1531	Privileged
1535	Not Privileged
1535A	Not Privileged
1536	Not Privileged
1536A	Not Privileged
1537	Not Privileged
1537A	Not Privileged
1540	Not Privileged
1542	Not Privileged
1544	Not Privileged
1545	Not Privileged
1545A	Not Privileged
1545B	Not Privileged
1545C	Not Privileged
1546	Not Privileged
1546A	Not Privileged

Document	Privilege Master's Determination
1547	Not Privileged
1555	Privileged
1555A	Not Privileged
1556	Privileged
1556A	Not Privileged
1557	Privileged
1557A	Privileged
1558	Privileged
1558A	Privileged
1559	Privileged
1559A	Privileged
1560	Privileged
1560A	Privileged
1561	Privileged
1561A	Not Privileged
1565	Privileged
1565A	Not Privileged
1566	Privileged

Document	Privilege Master's Determination
1569	Privileged
1569A	Not Privileged
1569B	Not Privileged
1569C	Not Privileged
1569D	Not Privileged
1570	Privileged
1570A	Not Privileged
1570B	Not Privileged
1570C	Not Privileged
1570D	Not Privileged
1571	Privileged
1571A	Not Privileged
1571B	Not Privileged
1571C	Not Privileged
1571D	Not Privileged
1572	Privileged
1572A	Not Privileged
1572B	Not Privileged

Document	Privilege Master's Determination
1572C	Not Privileged
1572D	Not Privileged
1573	Privileged
1573A	Not Privileged
1573B	Not Privileged
1573C	Not Privileged
1573D	Not Privileged
1574	Privileged
1574A	Not Privileged
1574B	Not Privileged
1574C	Not Privileged
1574D	Not Privileged
1575	Privileged
1575A	Not Privileged
1576	Privileged
1576A	Not Privileged
1576B	Not Privileged
1576C	Not Privileged

Document	Privilege Master's Determination
1576D	Not Privileged
1577	Privileged
1577A	Privileged
1577B	Privileged
1578	Privileged
1578A	Not Privileged
1578B	Not Privileged
1578C	Not Privileged
1578D	Not Privileged
1579	Privileged
1579A	Not Privileged
1579B	Not Privileged
1579C	Not Privileged
1579D	Not Privileged
1580	Privileged
1580A	Privileged
1580B	Privileged
1580C	Privileged

Document	Privilege Master's Determination
1580D	Privileged
1581	Privileged
1581A	Not Privileged
1581B	Not Privileged
1581C	Not Privileged
1581D	Not Privileged
1581E	Not Privileged
1581F	Not Privileged
1582	Privileged
1582A	Not Privileged
1582B	Not Privileged
1582C	Not Privileged
1582D	Not Privileged
1582E	Not Privileged
1582F	Not Privileged
1584	Privileged
1584A	Not Privileged
1584B	Not Privileged

Document	Privilege Master's Determination
1587	Privileged
1600	Privileged
1600A	Privileged
1601	Privileged
1602	Privileged
1603	Privileged
1604	Privileged
1605	Privileged
1606	Privileged
1606A	Privileged
1607	Privileged
1608	Privileged
1608A	Privileged
1609	Privileged
1610	Privileged
1611	Not Privileged
1613	Not Privileged
1614	Not Privileged