

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**Civil Division**

THE FRATERNAL ORDER OF POLICE,  
METROPOLITAN POLICE LABOR  
COMMITTEE,

Plaintiff,

v.

THE DISTRICT OF COLUMBIA,

Defendant.

Civil Action No. 4866-08  
Judge Odessa Vincent  
Next Date: Disc. Closed 2-6-09

**DEFENDANT DISTRICT OF COLUMBIA'S SUPPLEMENT TO  
ITS OPPOSITION TO PLAINTIFF'S MOTION FOR PROTECTIVE  
ORDER AND WITHDRAWAL OF DISCOVERY TO PLAINTIFF**

Defendant hereby supplements its Opposition to Plaintiff's pending Motion for Protective Order as follows. Defendant District of Columbia hereby withdraws its discovery served upon Plaintiff, consisting of the following documents:

1. First Set of Interrogatories,
2. First Set of Requests for Production of Documents,
3. Notice of Rule 30(b)(6) Deposition to Plaintiff, and
4. Notice of Deposition to Kristopher Bauman.

Defendant is taking this action based on the representations of counsel, Paul Fenn, to counsel for Defendant, in a telephone conversation on or about January 27, 2009, that the *only* relevant issue in this litigation is whether Plaintiff's rights were violated under the Freedom of Information Act *in this instance*. Defendant initiated discovery to Plaintiff because it was concerned Plaintiff wanted to try in this case decisions Defendant made on other FOIA matters not before this Court in the instant matter.

Respectfully submitted,

PETER J. NICKLES  
Attorney General for the District of Columbia

GEORGE C. VALENTINE  
Deputy Attorney General, Civil Litigation Division

/s/ Ellen Efros

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Chief, Equity Section I

/s/ Jacques P. Lerner

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**JANUARY 28, 2009**

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 28, 2009, I caused the foregoing document to be filed with the Clerk of the Court using the ECF system, which will send notification of such filing to:

Paul A. Fenn, Esq.  
36 South Charles Street, Suite 2501  
Baltimore, MD 21201

/s/ Jacques P. Lerner

JACQUES P. LERNER