

1 JEAN E. WILLIAMS  
2 Deputy Assistant Attorney General  
3 Environment & Natural Resources Division  
4 United States Department of Justice

4 CARTER F. THURMAN  
5 Trial Attorney, admitted to GA Bar  
6 U.S. Department of Justice  
7 Environment and Natural Resources Division  
8 Natural Resources Section  
9 601 D Street, NW  
10 Washington, D.C. 20044-7611  
11 Tel.: (202) 305-0444 / Fax: (202) 305-0506  
12 Carter.Thurman@usdoj.gov

9 CLARE M. BORONOW, admitted to MD Bar  
10 999 18th Street  
11 South Terrace, Suite 370  
12 Denver, CO 80202  
13 Tel.: (303) 844-1362 / Fax: (303) 844-1350  
14 clare.boronow@usdoj.gov

13 *Counsel for Defendants*

14  
15 UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 STATE OF CALIFORNIA, *et al.*,

19 Plaintiffs,

20 v.

21 DAVID BERNHARDT, *et al.*,

22 Defendants.  
23

No. 4:18-cv-05712-YGR

(Consolidated With Case No. 4:18-cv-05984-YGR)

**DEFENDANTS' NOTICE OF LODGING OF  
THE ADMINISTRATIVE RECORD**

1 Defendants hereby give notice that they will lodge with the Court on March 8,  
2 2019 one flash drive containing the Bureau of Land Management’s (“BLM”) administrative record for  
3 the above-captioned actions. Attached to this notice are the certification of the administrative record,  
4 the index to the administrative record, and the privilege log for the administrative record. One courtesy  
5 copy of the record will be provided for chambers. Copies of the record are also being served on  
6 Plaintiffs’ and Intervenors’ counsel by overnight mail.

7 The documents have been recorded in PDF format on the flash drive, except for certain data files  
8 that have been produced as Excel spreadsheets. The files have been consecutively Bates stamped using  
9 the prefix “WPRR\_AR”. Also included on the flash drive is an index to the administrative record. The  
10 document numbers in each index entry have been hyperlinked to the corresponding file for convenient  
11 navigation.

12 The administrative record includes deliberative documents. Although Defendants include these  
13 documents consistent with Northern District of California caselaw, their inclusion is subject to  
14 Defendants’ continuing objection that deliberative documents do not properly belong in an  
15 administrative record prepared under the Administrative Procedure Act absent evidence that the agency  
16 acted in bad faith.

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18 Respectfully submitted this 8th day of March, 2019.

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20 JEAN E. WILLIAMS  
21 Deputy Assistant Attorney General  
22 Environment & Natural Resources Division  
23 United States Department of Justice

24 /s/ Carter F. Thurman  
25 CARTER F. THURMAN  
26 Trial Attorney, admitted to GA Bar  
27 U.S. Department of Justice  
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*Counsel for Defendants*