



**U.S. Department of Justice**

Antitrust Division

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*Liberty Square Building  
450 5<sup>th</sup> Street, N.W.  
Washington, DC 20530*

September 6, 2022

Via ECF Filing

The Honorable Catherine C. Blake  
United States District Court for the District of Maryland  
101 W. Lombard St.  
Baltimore, Maryland 21201

Re: *United States vs. Booz Allen Hamilton Holding Corp.*, et al., No. 1:22-cv-01603-CCB

Judge Blake:

Pursuant to the Court's order of September 1, 2022 (ECF No. 144), the United States provides the following status update regarding the United States' discovery efforts in this litigation.

**Materials Responsive to Defendants' Requests for Production of Documents**

- On September 4, the United States produced 193<sup>1</sup> custodial documents for Scott W.
- On September 5, the United States produced 83 custodial documents for Jack S. and nine custodial documents for Scott W. This represents completion of the production of the vast majority of documents for Scott W. and Jack S.

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<sup>1</sup> In an August 28, 2022 letter, the United States represented that there were approximately 450 Scott W. documents that remained to be produced. That figure was the accidental result of double-counting documents in various stages of national security review by NSA, accounting for the discrepancy in the two numbers.

- On September 6, NSA will transmit to DOJ approximately 400 pages of documents which will complete production in this litigation.<sup>2</sup> DOJ is endeavoring to produce those materials today, and will produce them to Defendants no later than September 7. These documents consist of a small handful of documents identified following specific secondary searches requested by Defendants as well as documents that were flagged for secondary review and have now been cleared for production.
- On September 6, the United States identified times available on September 7 for the reopened deposition of Scott W. The United States is working to confirm a time on September 8 for the reopened deposition of Jack S.
- By the end of the day on September 6, the United States will provide Defendants with a privilege log related to all documents produced from NSA prior to September 4. There are nine documents that were partially withheld in good faith for privilege review and DOJ is working with NSA to confirm whether or not those nine documents are privileged. There may be a small number of similarly situated documents in the collections produced by DOJ beginning on September 4. The United States intends to supplement its privilege log, or appropriately produce those documents, by the end of the day on September 7.

### **3605 Materials**

Pursuant to the Court's Order Denying Defendants' Motion to Compel production of Section 3605 Materials (ECF No. 137), the United States has taken the following actions:

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<sup>2</sup> Defendants have raised questions regarding emails and attachments that were separated during the national security review process. These attachments have been produced as custodial documents for Scott W. and Jack S. and the United States is working in good faith to provide a crosswalk for attachments where possible.

- On September 2, the United States provided a log of information that has been redacted from documents pursuant to 50 U.S.C. § 3605. This log covers materials produced before September 4. The United States is working as quickly as practicable to provide a log of information that has been redacted from documents in the September 4, 5, and 6 productions pursuant to 50 U.S.C. § 3605 and will provide that log to Defendants as soon as it is completed, and no later than September 8.

### **Investigative Materials**

Pursuant to the Court's Order Granting in Part, and Denying in Part, Defendants' Motion to Compel the Production of Investigative Materials (ECF No. 138), the United States has taken the following actions:

- On September 2, the United States provided the Court with an *in camera* submission of six documents selected by Defendants from the United States' privilege log.
- On September 5, the United States produced a revised privilege log of Investigative Materials, along with a revised production of documents following the review ordered by the Court.

### **Summary**

The United States thus believes that it will substantially complete all document production in this litigation by the end of the day on September 7, including updated logs<sup>3</sup> regarding any and all documents that have been produced in redacted form, any documents being withheld entirely and the privilege being asserted for each. The United States remains committed to addressing any questions the Court or Defendants may have regarding discovery in

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<sup>3</sup> While the United States will work in good faith to provide a 3605 redaction log as quickly as possible, this log may be delayed until September 8.

this litigation and is available for a conference call to discuss these issues further if necessary and appropriate.

Respectfully submitted,

/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2022, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, and served one copy, by ECF to counsel of record in this matter.

/s/  
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