

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

SOUTHERN ENVIRONMENTAL LAW )  
CENTER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
COUNCIL ON ENVIRONMENTAL )  
QUALITY, )  
 )  
Defendant. )

Civil Action No. 3:18CV00113

**MEMORANDUM OPINION &  
ORDER**

By: Hon. Glen E. Conrad  
Senior United States District Judge

On October 21, 2020, the court held a conference call regarding its October 16, 2020, order. During the call, counsel for the defendant explained that certain entries on its Vaughn index deemed “draft” documents were finalized outside of the relevant time period for the plaintiff’s FOIA request. Counsel for the defendant further noted that several other Vaughn index entries labeled as “draft” records either did not result in formal, finalized versions or were memorialized in other ways. For example, draft testimonies were prepared for Alexander Herrgott’s June 27, 2018, hearing before the United States Senate Committee on Homeland Security and Governmental Affairs; the testimony ultimately provided at said hearing is now publicly available.

The court deems the defendant’s explanations sufficiently responsive to its October 16, 2020, order. Additionally, the court also announced at the conference call that it intends to approach documents still at issue in the current matter using a categorical approach.

Accordingly, the parties have no further obligations under the court’s order issued October 16, 2020, and it is so ordered.

The Clerk is directed to send copies of this order to all counsel of record.

DATED: This 22<sup>nd</sup> day of October, 2020.

  
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Senior United States District Judge