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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRIENDS OF THE RIVER, ET AL.,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, ET
AL.,

Defendants.

No. 2:11-cv-1650 JAM AC

ORDER

On September 11, 2013, the court held a hearing on the parties' dispute regarding the production of the administrative record ("AR") in this case. Lisa Belenky appeared for plaintiff Center for Biological Diversity, Jason Rylander appeared for plaintiff Defenders of Wildlife, and Robert Wright appeared for plaintiff Friends of the River. John Martin and Devon McCune appeared for defendants.

On review of the parties' joint statement regarding discovery and upon hearing the discussion of counsel, IT IS HEREBY ORDERED that:

1. Defendants shall produce no later than October 31, 2013 a final, complete AR on a single hard drive, including documents not being withheld as privileged, and a privilege log. This production shall reflect defendants' proposal as submitted in the joint statement regarding discovery and at the September 11, 2013 hearing on this matter. As a part of this production, the defendants shall:

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- a. Employ Optical Character Recognition (“OCR”) for each document and produce the resulting OCR text within each PDF file;
- b. Reproduce certain documents that the Corps considers to be relevant to the decision-making process at issue here as an addendum to the record, organized by categories responsive to plaintiff’s proposed “folders” as set forth in the joint statement (ECF No. 78) at page 24;
- c. Reorganize the index so that all files with dates appear chronologically, except that “child” documents will be listed with their “parent” document regardless of the date the “child” was created, making it easier to locate attachments to emails;
- d. Direct the Corps’ contractor to correct certain errors that have been identified in the index and ensure that all files intended to be produced natively are in fact included in the record.

2. Modification to the October 31, 2013 deadline shall be made only for extraordinary circumstances.

DATED: September 11, 2013



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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