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13  
 14 IN THE UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA

16 LABORERS' INTERNATIONAL  
 UNION OF NORTH AMERICA  
 17 PACIFIC SOUTHWEST REGION,

CASE NO. 2:13-CV-02204-MCE-DAD

**STIPULATION AND ORDER LIMITING  
 ISSUES TO BE DECIDED**

18 Plaintiff,

19 v.

20 U.S. DEPARTMENT OF ENERGY,

21 Defendant.

22  
 23 The parties, through their undersigned counsel of record, hereby stipulate, subject to the  
 24 approval of the Court as provided for hereon, as follows:

25 1. To limit the expenditure of judicial resources, the parties make the withholding,  
 26 under FOIA, in the to-be-amended redacted certified payroll records for CLP Resources, Inc.,  
 27 for the weeks ending 12/2/12, 12/9/12, 12/16/12, 12/23/12, 1/6/13, 1/13/13, and 1/20/13, the  
 28 issue to be decided in this action. The parties stipulate and agree that the final judicial ruling on

1 these redactions will apply to all other payroll records produced by defendant in response to the  
2 FOIA request in suit.

3 2. Thus, defendant shall have the burden of showing that a FOIA exemption covers  
4 the redactions in those weeks' records. In this action only, however, defendant shall not have the  
5 burden to support redactions to any other weeks' records, nor shall it have the burden to show  
6 that it performed an adequate search for responsive records.

7 3. At this time, in an effort to limit the issues further, the parties are discussing which  
8 specific redactions will be presented to the Court.

9 4. Plaintiff concedes that it is proper under FOIA Exemption 6, 5 U.S.C. § 552(b)(6),  
10 to withhold the information in column (1) of the payroll records, namely, employee names,  
11 addresses, and Social Security numbers.

12 Dated: February 6, 2014

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

14 By: /s/ Roberta D. Perkins  
15 ROBERTA D. PERKINS, SBN 153074  
(as authorized on 2/6/14)

16 Dated: February 5, 2014


BENJAMIN B. WAGNER  
United States Attorney

18 By: /s/ YOSHINORI H. T. HIMEL #66194  
19 YOSHINORI H. T. HIMEL #66194  
Assistant United States Attorney

21 **ORDER**

22 IT IS SO ORDERED.

23 Dated: February 10, 2014

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25 \_\_\_\_\_  
26 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
27 UNITED STATES DISTRICT COURT  
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