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19	
20	UNITED STATES DISTRICT COURT
21	NORTHERN DISTRICT OF CALIFORNIA
22	SAN FRANCISCO DIVISION
23	CENTER FOR BIOLOGICAL)
24	DIVERSITY, a non-profit organization,) No. C 07-4997 MHP
25	Plaintiff,) STIPULATION AND (PROPOSED)
26	v.) ORDER REGARDING NOVEMBER 3, 2008 DEADLINE
27	THE OFFICE OF MANAGEMENT AND) BUDGET,)
28	Defendant.

IT IS HEREBY STIPULATED, by and between the undersigned, subject to the approval of the Court, that the November 3, 2008 deadline for certain events as more fully described in Paragraph 3 of the Court's August 7, 2008 Order be modified as follows.

Paragraph 3 currently reads: "OMB shall complete its response to the FOIA request at issue in this action by November 3, 2008, including the production of responsive documents not subject to withholding under a FOIA exemption or privilege (which production shall be made in stages, on September 8, 2008, October 8, 2008 and November 3, 2008), the production of final *Vaughn* indices (which may be categorical rather than document by document), and the production of any declaration(s) related to documents withheld under a FOIA exemption or privilege."

Counsel for OMB has represented to counsel for CBD that OMB is unable, by November 3, 2008, to produce a final *Vaughn* index that identifies the documents it will withhold under a FOIA exemption or privilege individually rather than by category and that it cannot produce final supporting declarations until the Vaughn index is complete. Although it is CBD's position that OMB's delay is unreasonable, based on OMB's representation, CBD agrees, and the parties stipulate to the following, subject to the Court's approval:

OMB shall produce all responsive documents it contends are not subject to withholding under a FOIA exemption or privilege and a draft *Vaughn* index and supporting declarations on or before November 3, 2008 and OMB shall produce its final *Vaughn* index (describing each withheld document individually) and final supporting declarations on or before November 13, 2008.

1	JOSEPH P. RUSSONIELLO United States Attorney
2	Officed States / Reoffice
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4	DATED: November 3, 2008 By: /s/
5 6	MICHAEL T. PYLE Assistant United States Attorney Attorneys for Defendant
7	PURSUANT TO STIPULATION, IT IS SO ORDERED:
8	The deadlines set by this Court on August 7, 2008 remain in effect with the following
9	changes: OMB shall produce all responsive documents it contends are not subject to withholding
10	under a FOIA exemption or privilege, a draft <i>Vaughn</i> index, and drafts of supporting
11	declarations to CBD on or before November 3, 2008. OMB shall produce to CBD its final
12	Vaughn index (which index will describe each withheld document individually) and final
13	supporting declarations on or before November 13, 2008.
14	
15	DATED: November 14 2008 HON. MARY IT IS SO ORDERED United States
16	HON. MARY IT IS SO ORDER United States IT IS SO ORDER
17	Man H Patel No.
18	Judge Marilyn H. Patel
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20	DISTRICT OF COM
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