

1 EDMUND G. BROWN JR.  
 Attorney General of the State of California  
 2 JAMES HUMES  
 Chief Deputy Attorney General  
 3 J. MATTHEW RODRIQUEZ  
 Chief Assistant Attorney General  
 4 KEN ALEX  
 Senior Assistant Attorney General  
 5 EDWARD G. WEIL  
 Supervising Deputy Attorney General  
 6 LAURA J. ZUCKERMAN  
 Deputy Attorney General  
 7 State Bar No. 161896  
 1515 Clay Street, 20th Floor  
 8 Oakland, CA 94612  
 Telephone: (510) 622-2174  
 9 Fax: (510) 622-2270  
 laura.zuckerman@doj.ca.gov  
 10 Attorneys for People of the State of California

11 JOSEPH P. RUSSONIELLO (CSBN 44332)  
 United States Attorney  
 12 JOANN M. SWANSON (SBN 88143)  
 Chief, Civil Division  
 13 ABRAHAM A. SIMMONS (SBN 146400)  
 Assistant United States Attorney

14 450 Golden Gate Avenue, 9th Floor  
 15 San Francisco, California 94102-3495  
 Telephone: (415) 436-7264  
 16 Facsimile: (415) 436-6748  
 Email: abraham.simmons@usdoj.gov  
 17 Attorneys for Federal Defendants

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

21 PEOPLE OF THE STATE OF )  
 CALIFORNIA, *ex rel.* EDMUND G. )  
 22 BROWN JR., ATTORNEY GENERAL OF )  
 THE STATE OF CALIFORNIA, )

Case No. C 08-02741 MEJ

23 Plaintiff, )  
 24 )  
 v. )

**JOINT STATUS REPORT**  
**AND ORDER THEREON**

25 UNITED STATES FOOD & DRUG )  
 26 ADMINISTRATION, )  
 27 Defendant. )

Before: Hon. Maria-Elena James

28

1 Pursuant to this Court’s February 17, 2009 Order, the parties hereby submit the following  
 2 Joint Status Report:

- 3 1. In this FOIA action, the parties entered into a stipulation pursuant to which  
 4 defendants disclosed certain documents and submitted a *Vaughn* Index by  
 5 November 7, 2008. Plaintiff moved for supplementation of the *Vaughn* Index and  
 6 on February 17, 2009, this Court granted Plaintiff’s motion.
- 7 2. Pursuant to this Court’s February 17, 2009, Order, Defendant timely served a  
 8 supplemented index on March 10, 2009. Plaintiff is reviewing the index.
- 9 3. Plaintiff has informed defendant that plaintiff is not likely to seek further  
 10 supplementation of the *Vaughn* Index. Both parties have expressed the likelihood  
 11 that they will file for summary judgment.
- 12 4. The parties have conferred and have been unable to reach agreement regarding an  
 13 appropriate briefing schedule. Their respective proposed schedules are set forth  
 14 below:

15 Plaintiff’s Proposed Schedule:

16 Thursday, May 28, 2009	Plaintiff to file Motion for Summary Judgment, if any.
17 Thursday, June 11, 2009	Defendant to file opposition and cross-motion, if any.
18 Thursday, June 25, 2009	Plaintiff to file reply and opposition to cross-motion, if any.
19 Thursday, July 9, 2009	Defendant to file reply, if any.
20 Thursday, July 30, 2009	Hearing on cross-motions.

21  
 22 Plaintiff submits that its filing the first brief, which likely will address only a subset of  
 23 the documents in the *Vaughn* Index, will enable the parties and the Court to narrow the issues,  
 24 focusing only on the documents remaining in dispute. This will aid the interests of efficiency for  
 25 both the parties and the Court.

26 Plaintiff intends shortly to begin meeting and conferring with defendant in an effort to  
 27 resolve the matter without the need for the filing of motions.

1 Defendant's Proposed Schedule:

2	March 18- May 7, 2009	Parties to meet and confer regarding whether plaintiff will seek any further disclosure of documents or indexing
3		
4	Thursday, May 7, 2009	Defendant to file Motion for Summary Judgment
5	Thursday, May 28, 2009	Plaintiff to file opposition and cross-motion, if any
6	Thursday, June 11, 2009	Defendant to file reply in support of motion
7	Thursday, June 25, 2009	Defendant to file opposition to cross-motion, if any
8	Thursday, July 9, 2009	Plaintiff to file reply in support of cross-motion
9	July 10, 2009 through July 21, 2009	Defendant requests that there be no briefing or hearings
10		
11	Thursday, July 30, 2009	Hearing on cross-motions

12 Defendant submits that the parties should be able to meet and confer about any  
 13 documents that plaintiff believes should be disclosed and that waiting until the end of May to  
 14 begin briefing is not efficient.

15 Respectfully submitted,

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 17 EDMUND G. BROWN JR.  
 18 Attorney General of the State of California

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 20 JOSEPH P. RUSSONIELLO  
 21 United States Attorney

22 \_\_\_\_\_/S/  
 23 LAURA J. ZUCKERMAN  
 24 Deputy Attorney General  
 25 Dated: March 18, 2009

26 \_\_\_\_\_/S/  
 27 ABRAHAM A. SIMMONS  
 28 Assistant United States Attorney  
 Dated: March 18, 2009

29 The Court hereby ADOPTS Plaintiff's proposed scheduled for summary judgment briefing,  
 30 and shall conduct a hearing on July 30, 2009 at 10:00 a.m. in Courtroom B, 15th Floor, 450  
 31 Golden Gate Avenue, San Francisco, California.

32 Dated: March 19, 2009

