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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN  
 FRANCISCO CHAPTER, et al.,

No. C 08-5137 RS

14 Plaintiffs,

**JOINT STATUS REPORT AND  
 STIPULATION TO STAY  
 PROCEEDINGS; AND [~~PROPOSED~~]  
 ORDER**

15 v.

16 U.S. DEPARTMENT OF HOMELAND  
 17 SECURITY, et al.,

18 Defendants.

19  
 20 WHEREAS, in an effort to narrow the issues before the Court,

21 1. The parties have entered into a series of stipulations to stay proceedings since April  
 22 24, 2009, to allow Defendants to conduct secondary searches and process potentially responsive  
 23 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the  
 24 Court's intervention. On October 30, 2009, as a result of those negotiations, Plaintiffs stipulated that  
 25 they did not contest the adequacy of the searches performed by Defendants DHS, DHS-OIG, or  
 26 CIS, or the propriety of the withholdings made by DHS-OIG; accordingly, pursuant to Rule  
 27 41(a)(1)(A)(ii), the parties filed a stipulation of dismissal of this action with prejudice with respect  
 28

1 to those Defendants. Negotiations continued with respect to the remaining Defendants: CBP,  
2 EOIR, and ICE. Most recently, on February 3, 2011, the Court approved the parties' stipulations  
3 (a) to further stay proceedings through and including March 31, 2011, and (b) to submit a joint  
4 report advising the Court on the status of negotiations and processing, and/or a stipulation proposing  
5 a schedule to govern further proceedings, no later than March 31, 2011; and

6         2.         EOIR has provided Plaintiffs with a letter describing the scope of its search and a  
7 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs  
8 have stipulated that they do not contest either the adequacy of the search performed by EOIR, or  
9 the propriety of the withholdings made by EOIR; and

10         3.         ICE has provided Plaintiffs with a letter describing the scope of its search and a  
11 preliminary, partial Vaughn index explaining the bases for its withholdings. In response, Plaintiffs  
12 have stipulated that they do not contest either the adequacy of the search performed by ICE, or  
13 the propriety of the withholdings made by ICE; and

14         4.         CBP has provided Plaintiffs with a letter describing the scope of its search and a  
15 preliminary, partial Vaughn index explaining the bases for its withholdings; Plaintiffs have  
16 responded with several objections and/or requests for clarification; and the parties have continued  
17 to confer to discuss the scope of CBP's search and the propriety of its withholdings. Plaintiffs are  
18 not yet prepared to stipulate to the adequacy of CBP's search or the propriety of its withholdings;  
19 however, further negotiation may eliminate the need for judicial resolution of these issues. Since  
20 the last status report, CBP has provided Plaintiffs with a supplemental preliminary, partial Vaughn  
21 index explaining the bases for its withholdings of portions of additional documents released in late  
22 January 2011 following quality control checks, and the parties remain in communication regarding  
23 a possible solution concerning the small number of documents still in dispute. Most recently,  
24 Plaintiffs extended a counterproposal to CBP, which is under active consideration, and to which  
25 CBP has agreed to respond by April 5, 2011; and

26         WHEREAS it would minimize litigation costs and conserve judicial resources to stay  
27 further proceedings in this case to permit the above-mentioned negotiations to continue, and to  
28 permit the parties to confer further as described above;

1 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through  
2 undersigned counsel, subject to the approval of the Court, that:

- 3 1. Further proceedings in this case are stayed for a period of approximately 2 months  
4 through and including May 31, 2011, and
- 5 2. No later than May 31, 2011, the parties shall submit a joint report advising the Court  
6 on the status of the above-mentioned negotiations and/or a stipulation proposing a  
7 schedule to govern further proceedings.

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1 Dated: March 31, 2011

2 Respectfully submitted,

3 /s/ Dominique-Chantale Alepin  
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**SIGNATURE ATTESTATION**

In accordance with General Order 45(X), I hereby attest that I have obtained Eric B. Beckenhauer's concurrence in the filing of this document.

/s/ Dominique-Chantale Alepin  
DOMINIQUE-CHANTALE ALEPIN

**[PROPOSED] ORDER**

Pursuant to stipulation, **IT IS SO ORDERED.**

Dated: 4/4/11



RICHARD SEEBORG  
United States District Judge