

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**\*\*E-filed 2/17/11\*\***

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

ELECTRONIC FRONTIER  
FOUNDATION,

No. C 10-4892 RS

Plaintiff,

**ORDER RE FURTHER MEET AND  
CONFER**

v.

DEPARTMENT OF JUSTICE,

Defendant.

Good cause appearing, it is hereby ordered that counsel for the parties shall engage in further in-person or telephonic meet and confer negotiations to attempt to arrive at a mutually-agreeable schedule under which documents responsive to the Freedom of Information Act requests at issue will be produced, or at least to narrow their disputes. The negotiations should include considering whether there is a way to address plaintiff's stated concern that it still lacks certainty or clarity as to whether defendant intends to produce any documents at all with respect to the second request. In attempting to reach an agreement, the parties should bear in mind that any schedule the Court may impose is unlikely to be tailored as specifically to any particular concerns or issues either side may have, and as a practical matter may therefore be less satisfactory to either or both sides than a negotiated compromise.

1           No later than February 28, 2011, the parties shall submit a joint report to the Court regarding  
2 the results of their negotiations. In the event they have not reached agreement, the report should set  
3 out (1) the latest status of any productions already made, (2) defendant's best good faith offer of  
4 compromise as to a schedule completing the production, and (3) plaintiff's best good faith demand  
5 as to what it would be willing to accept in compromise. Neither defendant's offer nor plaintiff's  
6 demand shall prejudice the positions they each have taken as to what their respective legal  
7 obligations and rights are in this matter. In the meantime, plaintiff's motion for partial summary  
8 judgment will remain under submission.

9

10 IT IS SO ORDERED.

11

12

13

Dated: 2/17/11

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



---

RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE