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19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 ELECTRONIC FRONTIER FOUNDATION,)	Case No. 10-CV-4892-RS
)	
Plaintiff,)	
)	PROPOSED ORDER
vs.)	AS MODIFIED BY COURT
)	
25 DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	Judge: Hon. Richard Seeborg
)	Date: March, 10 2011
)	Time: 10: a.m.
)	Place: Telephonic Appearance

28

1 Pursuant to agreement of the parties, the Court enters the following processing schedule in
2 this case:

3
4 **I. Processing of Materials Responsive To Plaintiff's May 21, 2009 FOIA**
5 **Request To the Federal Bureau of Investigation ("FBI") for "Going Dark"**
6 **Materials.**

7 By letter dated February 7, 2011, the FBI informed Plaintiff that it had completed the
8 processing of 474 pages responsive to its May 21, 2009 request and was releasing 333 pages to
9 Plaintiff. FBI shall complete the processing of the remaining potentially responsive materials to
10 this request identified as of the date of this Order (approximately 480 pages), and produce any
11 pages the FBI determines are appropriate for release, on or before March 18, 2011.

12 If additional responsive materials are identified after the date of this order, the FBI will
13 process a minimum of 750 pages of any additional responsive materials identified, including
14 producing any pages FBI determines are appropriate for release, within 30 days after identifying
15 the additional responsive materials.

16 **II. Processing of Materials Responsive To Plaintiff's September 28, 2010 FOIA**
17 **Request to FBI, Drug Enforcement Agency ("DEA") and Criminal Division**
18 **("CRM") for Records Relating to Agency Difficulties Conducting Electronic**
19 **Surveillance.**

20 The FBI estimates that it has identified approximately 700 pages of potentially responsive
21 materials to Plaintiff's September 28, 2010 request. FBI shall complete the processing of these
22 pages, including producing any pages FBI determines are appropriate for release, by April 1,
23 2011. If additional responsive materials are identified after the date of this order, the FBI will
24 process a minimum of 750 pages of any additional responsive materials identified, including
25 producing any pages FBI determines are appropriate for release, within 30 days after identifying
26 the additional responsive materials.

27 DEA estimates that it has identified approximately 6,000 pages of potentially responsive
28 materials to Plaintiff's September 28, 2010 request. DEA shall process a minimum of 1,000

1 pages, and produce any pages DEA determines are appropriate for release, by April 1, 2011.
2 Thereafter, the parties agree that DEA will process a minimum of 750 pages, and produce any
3 pages DEA determines are appropriate for release, on the first of each subsequent month until the
4 processing is completed.
5

6 CRM estimates that it has identified approximately 10,000 pages of potentially responsive
7 materials to Plaintiff's September 28, 2010 request. The parties agree that CRM will process a
8 minimum of 1,000 pages, and produce any pages CRM determines are appropriate for release, by
9 April 1, 2011. Thereafter, the parties agree that CRM will process a minimum of 1,000 pages,
10 and produce any pages CRM determines are appropriate for release, on the first of each
11 subsequent month until the processing is completed.
12

13 The parties agree that the components will file status reports every 60 days from the date
14 of this order informing the Court of the number of pages they have processed, and how long they
15 estimate it will take before processing is completed.

16 Plaintiff reserves the right to seek to proceed on summary judgment against the FBI
17 regarding exemptions and withholdings independently from the other components.
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22 In view of this stipulation, plaintiff's motion for summary judgment is denied without prejudice.
23 The Case Management Conference is continued to November 17, 2011 at 10:00 a.m., to be held
24 telephonically.

25
26 Dated: 3/3/11



27 RICHARD SEEBORG
28 United States District Judge