

E-Filed 8/31/11

1 MELINDA HAAG, CSBN 132612
 United States Attorney
 2 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 3 Chief, Civil Division
 ILA C. DEISS, NY SBN 3052909
 4 Assistant United States Attorney
 E-mail: ila.deiss@usdoj.gov
 5
 450 Golden Gate Avenue, Box 36055
 6 San Francisco, California 94102
 Telephone: (415) 436-7124
 7 FAX: (415) 436-7169

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 AMERICAN CIVIL LIBERTIES UNION OF)	
13 NORTHERN CALIFORNIA; SAN)	No. C 11-1997 RS
13 FRANCISCO BAY GUARDIAN,)	
)	
14 Plaintiffs,)	JOINT CASE MANAGEMENT
)	CONFERENCE STATEMENT; and
15 v.)	PROPOSED ORDER
)	AS MODIFIED BY THE COURT
16 DRUG ENFORCEMENT)	Date: September 1, 2011
17 ADMINISTRATION,)	Time: 10:00am
)	
18 Defendant.)	
)	

19
20 The parties hereby submit the following Joint Further Case Management Conference
21 Statement pursuant to Rule 16-9 of the Local Civil Rules for the Northern District of California:

22 1. Jurisdiction and Service: There are no issues concerning personal jurisdiction, venue or
23 service. Plaintiff brought this action under the Freedom of Information Act (FOIA), 5 U.S.C. §
24 552(a)(4)(B) and 28 U.S.C. § 1331. All parties have been served.

25 2. Facts: By their Complaint, Plaintiffs submitted a twelve-item FOIA request on January
26 4, 2011, to Defendant United States Drug Enforcement Agency (DEA). The DEA has processed a
27 total of 277 pages of responsive documents with 177 withheld in full, 62 pages released in part,
28 and 38 released in full. Plaintiffs challenge the withholding of documents in full, and redactions

1 appearing on 38 of the pages produced.

2 3. Legal Issues: Whether Defendant has met its obligations to Plaintiffs under the FOIA.

3 4. Motions: The parties anticipate that this matter can be resolved through cross-motions
4 for summary judgment.

5 5. Amendment of Pleadings: None.

6 6. Evidence Preservation: Both Plaintiffs and Defendant have taken affirmative steps to
7 preserve documents and evidence related to this action.

8 7. Disclosures: Defendant produced the final FOIA disclosures to Plaintiffs on July 27,
9 2011.

10 8. Discovery: Not applicable.

11 9. Class Actions: Not applicable.

12 10. Related Cases: None.

13 11. Relief: Plaintiff seeks an order directing Defendant to cease and desist from wrongfully
14 withholding documents.

15 12. Settlement and ADR: A telephonic conference with the ADR Unit is scheduled for
16 August 30, 2011. The parties have already met and conferred extensively, as a result of which
17 Defendant has produced additional documents and provided some information previously
18 withheld, and Plaintiff has substantially narrowed the withholdings that remain in dispute. The
19 parties intend to ask to be exempt from the formal ADR program.

20 13. Consent to Magistrate Judge for All Purposes: The parties consent to have a magistrate
21 judge conduct all further proceedings.

22 14. Other References: None.

23 15. Narrowing of Issues: None at this time.

24 16. Expedited Schedule: The parties believe that this matter can be solved through cross-
25 motions.

26 17. Scheduling:

27 The parties have agreed upon the following briefing schedule for cross-motions (which
28 would reduce from 6 to 4 the total number of briefs). This briefing schedule will already be

1 underway at the time of the CMC.

2	Defendant's Motion for Summary Judgment	August 25, 2011
3	Plaintiffs' Cross-Motion and Opposition	September 8, 2011
4	Defendant's Cross-Opposition and Reply	September 22, 2011
5	Plaintiffs' Reply	October 6, 2011
6	Hearing:	October 20, 2011

7 18. Trial: This case can be decided on motion; no trial is necessary.

8 19. Disclosure of Non-party Interested Entities or Persons: As set forth in Plaintiffs' Civil
9 L.R. 3-16 statement filed on April 22, 2011, the undersigned counsel for Plaintiffs certifies that
10 other than the named parties, there is no such interest to report. The disclosure requirement in
11 Civil L. R. 3-16 does not apply to governmental entities.

12 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
13 matter: None.

14 Dated: August 25, 2011

Respectfully submitted,
MELINDA HAAG
United States Attorney

15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/

ILA C. DEISS
Assistant United States Attorney
Attorneys for Defendant

Dated: August 25, 2011


/s/

LINDA LYE
Attorney for Plaintiffs

CASE MANAGEMENT ORDER

25 The Case Management Statement and Proposed Order are hereby adopted by the Court as
26 the Case Management Order for the case, and the parties are ordered to comply with this Order.

Dated: 8/31/11
THE CASE MANAGEMENT CONFERENCE
SCHEDULED FOR 9/1/11 IS VACATED.



RICHARD SEEBORG
United States District Judge