

1 UNITED STATES DISTRICT COURT

2 Northern District of California

3 SETH ROSENFELD,

No. C 11-2131 MEJ

4 Plaintiff,

5 v.

**ORDER RE CROSS MOTIONS
FOR SUMMARY JUDGMENT
(DKT. NOS. 14 AND 20)**6 FEDERAL BUREAU OF INVESTIGATION
7 AND UNITED STATES DEPARTMENT OF
8 JUSTICE,

Defendants.

9 _____
10 The Court has conducted an in camera review of the classified declarations submitted by
11 Defendant. The Court finds that Defendant cannot rely on the exemption outlined in 5 U.S.C. §
12 552(c)(2) for this matter.¹ Pursuant to this finding, Defendant is ordered to supplement its production
13 to Plaintiff. Considering that this supplementation will likely affect the issues that were raised by the
14 parties' cross motions for summary judgment, these motions are VACATED. The parties are ordered
15 to meet and confer and submit a joint case management statement by July 13, 2012 that proposes how
16 the remaining issues in this matter should be resolved. The parties' joint statement should
17 specifically propose deadlines for any supplemental production of documents, a schedule for
18 dispositive motions if they are necessary, the prospects of settlement or engaging in further ADR to
19 narrow the issues in dispute, and any other matters that may facilitate the just, speedy, and
20 inexpensive disposition of this matter.

IT IS SO ORDERED.

21 Dated: July 2, 2012


22 _____
23 Maria-Elena James
24 Chief United States Magistrate Judge

25 _____
26 ¹ Because of the sensitive nature of the in camera review, this order does not provide the
27 Court's reasoning behind its decision. The Court, however, will consider a request from Defendant
28 to issue an order that explains its rationale, as well as an order certifying this issue for interlocutory
appeal pursuant to 28 U.S.C. § 1292(b). If Defendant wishes to make any of these requests, it
should notify the Court in writing by July 6, 2012, and the Court will then determine whether any of
the requests are warranted.