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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION OF)	
NORTHERN CALIFORNIA; SAN)	No. C 11-3949 SC
FRANCISCO BAY GUARDIAN,)	
)	
Plaintiffs,)	JOINT CASE MANAGEMENT
)	CONFERENCE STATEMENT; and
v.)	[PROPOSED] ORDER
)	
FOOD AND DRUG ADMINISTRATION,)	Date: November 29, 2011
)	Time: 10:00am
Defendant.)	
_____)	

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

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction, venue or service. Plaintiff brought this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. All parties have been served.
2. Facts: By their Complaint, Plaintiffs submitted a twelve-item FOIA request on January 4, 2011, to Defendant United States Food and Drug Administration (FDA).
3. Legal Issues: Whether Defendant has met its obligations to Plaintiffs under the FOIA.
4. Motions: The parties anticipate that this matter can be resolved through cross-motions for summary judgment.

1 5. Amendment of Pleadings: None.

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

4 7. Disclosures: Defendant will produce the final FOIA disclosures responsive to Plaintiffs'
5 January 2011 request by January 2, 2012.

6 8. Discovery: Not applicable.

7 9. Class Actions: Not applicable.

8 10. Related Cases: None.

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

11 12. Settlement and ADR: The parties intend to ask to be exempt from the formal ADR
12 program.

13 13. Consent to Magistrate Judge for All Purposes: Defendant does not consent to have a
14 magistrate judge conduct all further proceedings.

15 14. Other References: None.

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

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

19 17. Scheduling:

20 The parties have agreed upon the following briefing schedule for cross-motions (which
21 would reduce from 6 to 4 the total number of briefs).

22 Defendant's Motion for Summary Judgment February 10, 2012

23 Plaintiffs' Cross-Motion and Opposition March 2, 2012

24 Defendant's Cross-Opposition and Reply March 23, 2012

25 Plaintiffs' Reply April 13, 2012

26 **Hearing: May 4, 2012 at 10:00 a.m.**

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

28 19. Disclosure of Non-party Interested Entities or Persons: As set forth in Plaintiffs' Civil

1 L.R. 3-16 statement filed on August 11, 2011, the undersigned counsel for Plaintiffs certifies that
2 other than the named parties, there is no such interest to report. The disclosure requirement in Civil
3 L. R. 3-16 does not apply to governmental entities.

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

6 Dated: November 22, 2011

Respectfully submitted,

7 MELINDA HAAG
8 United States Attorney

9 _____/s/
10 ILA C. DEISS
11 Assistant United States Attorney
12 Attorneys for Defendant

13 Dated: November 22, 2011

14 _____/s/
15 LINDA LYE
16 Attorney for Plaintiffs

17 **CASE MANAGEMENT ORDER**

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

20 Dated: November 28, 2012

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22 SAMUEL CONTI
23 United States District Judge
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