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 11 **IN THE UNITED STATES DISTRICT COURT**
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

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|----|----------------------------------|---|--------------------------------|
| 14 | |) | |
| 15 | ELECTRONIC FRONTIER FOUNDATION, |) | Case No.: 14-cv-03010-RS |
| 16 | Plaintiff, |) | |
| 17 | v. |) | ORDER |
| 18 | NATIONAL SECURITY AGENCY, OFFICE |) | STATUS REPORT AND |
| 19 | OF THE DIRECTOR OF NATIONAL |) | STIPULATED REQUEST TO |
| 20 | INTELLIGENCE, |) | SET A BRIEFING SCHEDULE |
| 21 | Defendants. |) | Hon. Richard Seeborg |
| 22 | _____ |) | |

1 Pursuant to the Court's August 12, 2015 Order, ECF No. 28, the parties respectfully submit
2 this status report and request that the Court enter the schedule set forth below for summary
3 judgment briefing in this matter:

4 1. On August 11, 2015, the parties requested a continuance of summary judgment
5 briefing in this matter, because the Defendants had determined that the single document that
6 remained in contention in this case could be reprocessed and released in part. *See* Stipulated
7 Request for Continuance of Summary Judgment Briefing, ECF No. 27 at 2. Defendants indicated
8 that they would produce the reprocessed document, with redactions and a *Vaughn* index for that
9 document, by September 3, 2015. *Id.* The parties stipulated that they would then confer regarding
10 whether any substantive issues remained in contention in this matter. *Id.* The parties requested
11 that they be permitted to submit a status report by September 25, 2015, proposing a briefing
12 schedule for summary judgment motions if any substantive issues remained in contention at that
13 time. *Id.*

14 2. On September 3, 2015, the Defendants produced to Plaintiff the reprocessed
15 document, with redactions under FOIA exemptions (b)(1), (b)(3), and (b)(5), along with a *Vaughn*
16 index for that document.

17 3. Having conferred, the parties have recognized that substantive issues remain in
18 contention regarding the redactions taken in the document, and respectfully request that the Court
19 enter the following schedule for summary judgment motions in this matter:

- 20 a. On or before October 30, 2015, defendants will file their motion for summary
21 judgment.
- 22 b. On or before December 4, 2015, plaintiff will file its combined cross-motion for
23 summary judgment and opposition to defendants' motion.
- 24 c. On or before January 8, 2016, defendants will file their combined opposition to
25 plaintiff's motion and reply in support of their motion.
- 26 d. On or before January 22, 2016, plaintiff will file its reply in support of its motion.
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DATED: September 25, 2015

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

MELINDA HAAG
United States Attorney

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Julia A. Berman
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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Julia Berman, hereby attest that I obtained the concurrence of Andrew Crocker, counsel for the Plaintiff, Electronic Frontier Foundation, in the filing of this document.

/s/ Julia A. Berman
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PURSUANT TO STIPULATION, it is hereby ORDERED that:

- a. On or before October 30, 2015, defendants will file their motion for summary judgment.
- b. On or before December 4, 2015, plaintiff will file its combined cross-motion for summary judgment and opposition to defendants' motion.
- c. On or before January 8, 2016, defendants will file their combined opposition to plaintiff's motion and reply in support of their motion.
- d. On or before January 22, 2016, plaintiff will file its reply in support of its motion

IT IS SO ORDERED.

Dated: 9/29/15



HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE