

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 ELECTRONIC FRONTIER
FOUNDATION,

5 Plaintiff,

6 v.

7 UNITED STATES DEPARTMENT OF
JUSTICE,

8 Defendant.
9

Case No. [15-cv-03186-MEJ](#)

REQUEST FOR CLARIFICATION

Re: Dkt. Nos. 19, 23

10 In reviewing the parties' Summary Judgment Motions and supporting materials, the Court
11 has discovered an inconsistency with respect to the numbering of a certain withheld document and
12 seeks clarification from the parties as to whether this is a mere typographical error or an issue that
13 requires further briefing. Specifically, while Plaintiff, the Electronic Frontier Foundation ("EFF"),
14 appears to be challenging the Government's decision to withhold Document 27, the Government's
15 supporting materials all refer to Document 28. *See* Pl.'s Mot. for Summ. J. at 7, Dkt. No. 23
16 (listing Document 27 in chart summarizing documents withheld under Exemption 5); Pl.'s
17 Opp'n/Reply at 4-5, Dkt. No. 30 (referring to document number 27); Def.'s Mot. for Summ. J. at
18 11, Dkt. No. 19 (referring to Document 28); Myrick Decl. ¶¶ 36, 42, Dkt. No. 21 (also referring to
19 Document 28); Def.'s Opp'n/Reply at 6, Dkt. No. 25 (referring to Document 28). The
20 Government withheld both documents according to the Vaughn Index. Exs. to Myrick Decl.,
21 Exhibit O (Vaughn Index) at 83-91, Dkt. No. 22.

22 The Court thus **ORDERS** the parties to meet and confer and submit a joint statement by
23 May 11, 2016 as to whether Document 27 or Document 28 is at issue. If this discrepancy is more
24 than a typographical error, the parties should also address whether they require further briefing.

25 **IT IS SO ORDERED.**

26 Dated: May 3, 2016

27
28 

MARIA-ELENA JAMES
United States Magistrate Judge