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18	Attorneys for Defendants		
19	UNITED STATES DISTRICT COURT		
20	NORTHERN DISTRICT OF CALIFORNIA		
21	OAKLAND DIVISION		
22	A.F. ROTHSCHILD FUND,) No. CV 11-2760 LB	
23	Plaintiff,) STIPULATION AND [PROPOSED]	
24	,	ORDER REGARDING COMPLETION OF THE ADMINISTRATIVE APPEAL	
25	v. DEPARTMENT OF HEALTH AND) PROCESS	
26	HUMAN SERVICES; AND CENTERS FOR DISEASE CONTROL AND		
27	PREVENTION,)	
28	Defendants		
	STIPULATION RE COMPLETION OF THE ADM CV 11-2760 LB	INISTRATIVE APPEAL PROCESS 1	

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Defendants Department of Health and Human Services and Centers for Disease Control and Prevention ("Defendants") and Plaintiff A.F. Rothschild Fund ("Plaintiff"), by and through their respective counsel, stipulate as follows:

- 1. On October 13, 2011, Plaintiffs submitted an administrative appeal regarding certain of the materials at issue in this case;
- 2. Defendants are still processing Plaintiff's administrative appeal. This includes a line-by-line review of 744 pages of records withheld, or withheld in part, from the September 13, 2011 and September 22, 2011 releases by the CDC. In addition, although Defendants contend that Plaintiff's appeal of October 8, 2010 as to the adequacy of the search was untimely (a position that Plaintiff disputes and also believes is immaterial in light of the October 13, 2011 appeal), Defendants are reviewing the adequacy of the search at the administrative level in an effort to resolve this action. The agency is also working with the submitter, Auburn University, regarding documents the submitter believes should be withheld.
- 3. The parties have agreed that Defendants will complete the administrative appeal process and respond to the items raised in Plaintiff's appeal by March 1, 2012.
- 4. The parties have further agreed that by March 1, 2012, Defendants will inform Plaintiff regarding the completion of the appeal process and Defendant will also release to Plaintiff any additional documents, if applicable. Defendants will also report to Plaintiff on the adequacy of the search for responsive materials, including materials searched and whether the particular categories identified by Plaintiff have or have not been located.

THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants that Defendants will complete the administrative appeal process by March 1, 2012 in the manner set forth in this stipulation.

1	DATED: January 6, 2012 Respectfully submitted, MELINDA HAAG
2	United States Attorney
3	/s/ Ann Marie Reding
4	ANN MARIE REDING Assistant United States Attorney
5	Attorneys for Defendants
6	DATED: January 6, 2012 Respectfully submitted,
7	21112210 miles y 5, 2012
8	/s/ Eric R. Glitzenstein
9 10	Howard M. Crystal (D.C. Bar No. 446189) Eric R. Glitzenstein (D.C. Bar No. 358287) Pro Hac Vice
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14	
15	<u>[PROPOSED]</u> ORDER
	Plaintiff and Defendants' Stipulation Regarding Completion of the Administrative
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16 17	Appeal Process is hereby APPROVED and the parties are hereby Ordered to comply with the
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17 18	Appeal Process is hereby APPROVED and the parties are hereby Ordered to comply with the Stipulation. Date: January 11, 2012
17 18 19	Appeal Process is hereby APPROVED and the parties are hereby Ordered to comply with the Stipulation. Date: January 11, 2012
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