

1 Brent Plater (CA Bar No. 209555)  
 WILD EQUITY INSTITUTE  
 2 PO Box 191695  
 San Francisco, CA 94119  
 3 Telephone: (415) 349-5787  
 bplater@wildequity.org  
 4

Eric R. Glitzenstein (D.C. Bar No. 358287)  
 5 Howard M. Crystal (D.C. Bar No. 446189)  
 Pro Hac Vice  
 6 Meyer Glitzenstein & CRYSTAL  
 1601 Connecticut Ave., N.W., Suite 700  
 7 Washington, D.C., 20009  
 Telephone: (202) 588-5206  
 8 Facsimile: (202) 588-5049  
 eric@meyerglitz.com  
 9 hcrystal@meyerglitz.com

10 Attorneys for Plaintiff

11 MELINDA HAAG (CSBN 132612)  
 United States Attorney  
 12 JOANN M. SWANSON (CSBN 88143)  
 Chief, Civil Division  
 13 ANN MARIE REDING (CSBN 226864)  
 Assistant United States Attorney

14 450 Golden Gate Avenue, Box 36055  
 15 San Francisco, California 94102-3495  
 Telephone: (415) 436-6813  
 16 FAX: (415) 436-6748  
 annie.reding@usdoj.gov

17 Attorneys for Defendants

18  
 19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 OAKLAND DIVISION

22 A.F. ROTHSCHILD FUND, )  
 23 )  
 Plaintiff, )  
 24 )  
 v. )  
 25 )  
 DEPARTMENT OF HEALTH AND )  
 26 HUMAN SERVICES; AND CENTERS )  
 FOR DISEASE CONTROL AND )  
 27 PREVENTION, )  
 28 Defendants

No. CV 11-2760 LB  
**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING COMPLETION  
 OF THE ADMINISTRATIVE APPEAL  
 PROCESS**

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

4 1. On October 13, 2011, Plaintiffs submitted an administrative appeal regarding  
5 certain of the materials at issue in this case;

6 2. Defendants are still processing Plaintiff’s administrative appeal. This includes a  
7 line-by-line review of 744 pages of records withheld, or withheld in part, from the September 13,  
8 2011 and September 22, 2011 releases by the CDC. In addition, although Defendants contend  
9 that Plaintiff’s appeal of October 8, 2010 as to the adequacy of the search was untimely (a  
10 position that Plaintiff disputes and also believes is immaterial in light of the October 13, 2011  
11 appeal), Defendants are reviewing the adequacy of the search at the administrative level in an  
12 effort to resolve this action. The agency is also working with the submitter, Auburn University,  
13 regarding documents the submitter believes should be withheld.

14 3. The parties have agreed that Defendants will complete the administrative appeal  
15 process and respond to the items raised in Plaintiff’s appeal by March 1, 2012.

16 4. The parties have further agreed that by March 1, 2012, Defendants will inform  
17 Plaintiff regarding the completion of the appeal process and Defendant will also release to  
18 Plaintiff any additional documents, if applicable. Defendants will also report to Plaintiff on the  
19 adequacy of the search for responsive materials, including materials searched and whether the  
20 particular categories identified by Plaintiff have or have not been located.

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

24 ///

25 ///

26 ///

27 ///

28 ///

