

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELECTRONIC FRONTIER  
FOUNDATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,

Defendant.

Case No.16-cv-02041-HSG

**ORDER DENYING CROSS-MOTIONS  
FOR SUMMARY JUDGMENT  
WITHOUT PREJUDICE**

Re: Dkt. Nos. 29, 32

On September 22, 2016, Defendant U.S. Department of Justice filed a motion for partial summary judgment. Dkt. No. 29. On October 13, 2016, Plaintiff Electronic Frontier Foundation filed a cross-motion for partial summary judgment. Dkt. No. 32. Before briefing was completed, the parties reached at least a partial agreement regarding Plaintiff's Freedom of Information Act ("FOIA") request. At their request, the Court stayed further briefing and vacated the hearing on the motions. See Dkt. No. 40.

Since that time, the parties have worked cooperatively to process Plaintiff's FOIA request. In their most recent status report, the parties indicated that the final batch of documents would be produced by December 14, 2017. See Dkt. No. 53 at 2. Because the parties acknowledge that the scope of their ongoing dispute will be unknown until that time, the Court finds that the parties' pending motions for summary judgment are moot. The Court accordingly **DENIES** the motions without any prejudice to the parties filing revised cross-motions targeted only to the remaining issues actually in dispute, if that ends up being necessary.

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The Court further **DIRECTS** the parties to submit a joint status report by January 8, 2018, that outlines any remaining issues in the case and provides a stipulated briefing schedule and proposed order, if further motions practice is necessary.

**IT IS SO ORDERED.**

Dated: 9/29/2017

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge