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

13 ELECTRONIC FRONTIER FOUNDATION, )  
 )  
 14 Plaintiff, )  
 )  
 15 v. )  
 )  
 16 UNITED STATES DEPARTMENT )  
 OF JUSTICE, )  
 17 )  
 Defendant. )  
 18 )

Case No. 16-cv-02041-HSG  
**JOINT STATUS REPORT AND  
 PROPOSED BRIEFING SCHEDULE  
 AND ORDER**

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1 Pursuant to L. R. 7-12, Plaintiff Electronic Frontier Foundation (“EFF”) and Defendant  
2 United States Department of Justice provide the following status report, stipulate to the proposed  
3 briefing schedule for cross-motions for summary judgment in this case as outlined below, and  
4 request that the Court order the same. In support, the parties state as follows:

5 The Joint Case Management Statement (JCMS) filed on January 8, 2018 (ECF No. 57) stated  
6 that Defendant was processing the third and final batch of documents in response to Plaintiff’s  
7 narrowed Freedom of Information Act (FOIA) request with the goal of producing documents, where  
8 appropriate, by January 30, 2018. Defendant met its processing deadline, producing 13 redacted  
9 records to Plaintiff and withholding an additional 26 documents in full.

10 The Court’s Dec. 19, 2017 Order (ECF No. 56) stated that once Defendant completed  
11 processing of that final set of records, the parties should confer and file a joint status report setting  
12 forth a summary judgment briefing schedule in this case by February 16, 2018.

13 The parties have conferred and narrowed the issues that remain in dispute, but they are  
14 unable to agree on several issues, including but not limited to, Defendant’s withholdings of certain  
15 records, in full and in part, pursuant to claimed exemptions under FOIA. Because summary  
16 judgment is necessary to resolve those issues, the parties have reached agreement on a schedule as  
17 follows:

18	<b>May 24, 2018</b>	Defendant’s Motion for Summary Judgment (30 pages)
19	<b>June 21, 2018</b>	Plaintiff’s Combined Cross-Motion for Summary 20 Judgment/Opposition to Defendant’s Motion (40 pages)
21	<b>July 19, 2018</b>	Defendant’s Combined Opposition to Plaintiff’s Motion/Reply 22 in Support of Their Motion for Summary Judgment (35 pages)
23	<b>August 9, 2018</b>	Plaintiff’s Reply in Support of Its Motion for Summary 24 Judgment (25 pages)
25	<b>August 23, 2018</b>	Requested Hearing Date

1 February 16, 2018

Respectfully submitted,

2 By  /s/ Aaron Mackey  
Aaron Mackey

3 ELECTRONIC FRONTIER FOUNDATION  
4 815 Eddy Street  
San Francisco, CA 94109

5 *Attorneys for Plaintiff*

6 February 16, 2018

Respectfully submitted,

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8 CHAD A. READLER  
Acting Assistant Attorney General

9 BRIAN STRETCH  
10 United States Attorney

11 ELIZABETH J. SHAPIRO  
Deputy Branch Director

12 By  /s/

13 RODNEY PATTON  
Senior Trial Counsel  
14 JULIA A. BERMAN  
Trial Attorney  
15 United States Department of Justice  
Civil Division, Federal Programs Branch  
16 20 Massachusetts Avenue, N.W.  
Washington, D.C. 20001

17 *Attorneys for Defendant*

18 **DECLARATION PURSUANT TO LOCAL RULE 5-1(I)(3)**

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20 Pursuant to Civil L.R. 5-1(i)(3), I, Aaron Mackey, declare that I obtained the concurrence of  
21 Rodney Patton, counsel for Defendant, United States Department of Justice, in the filing of this  
22 document.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is  
24 true and correct. Executed this 16th day of February, 2018 in San Francisco, California

25 DATED: February 16, 2018


Respectfully submitted,

26 By  /s/ Aaron Mackey  
27 Aaron Mackey

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties shall file their summary judgment briefs in accordance with the schedule above.

DATED: February 20, 2018

  
Hon. HAYWOOD S. GILLIAM, JR.  
United States District Court Judge

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