

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 13-cv-02187-RM-CBS

PACIFICORP,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant United States Environmental Protection Agency's Notices (ECF Nos. 51 & 55), filed in compliance with the Court's Order dated January 8, 2014 (ECF No. 50). In that Order, the Court found, based on the record before it, that the EPA demonstrated it properly withheld information, except for information claimed exempt under the attorney work-product privilege and two documents (EXE-3 and EXE-61). Accordingly, the Court directed the EPA to address certain matters and the EPA has certified it has done so in the Notices. Upon a review of the Notices, however, an issue is raised as to whether there may be other errors in the *Vaughan* index which a review of the index alone would not disclose. The Court has considered whether and what further action may be required in light of the known – albeit *de minimis* – errors. The Court finds the current record is insufficient to require an *in camera* review but the EPA should be required to confirm the accuracy of the *Vaughan* index. It is therefore

ORDERED that within 14 days of the date of this Order, the EPA shall confirm the accuracy of the *Vaughan* index by checking each document with the exemptions claimed or not claimed, as the case may be; notifying Plaintiff PacifiCorp of the EPA's findings; disclosing to PacifiCorp any errors or inaccuracies; and filing with the Court a revised *Vaughan* index highlighting any inaccuracies, if necessary, and a certification of compliance with this Order; and

FURTHER ORDERED that the Court will set a briefing schedule on the issue of attorney's fees after the completion of the matters ordered herein.

DATED this 23rd day of January, 2014.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge