

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02496-WYD-KMT

ROCKY MOUNTAIN WILD, INC., a Colorado non-profit corporation,

Plaintiff,

v.

UNITED STATES FOREST SERVICE, a federal agency;
UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency,

Defendants.

ORDER

THIS MATTER is before the Court on Defendants' Motion to Clarify Regarding Search and Production of Records for Certain Forest Service Custodians (ECF No. 36), filed on November 19, 2015.

The Court entered an Order on September 30, 2015 (ECF No. 31), instructing Defendants to provide additional explanation of withheld documents on their *Vaughn* index, under both the attorney/client privilege and the deliberative process exemptions in response to Plaintiff's February 27, 2014 FOIA request. Defendants were further instructed to identify and review other documents for applicable exemptions, and to compile a revised *Vaughn* index with those inclusions.

Defendants request that five custodians named in the motion be removed from the scope of the Court's September 30, 2015 Order, on the basis that they previously responded to the Plaintiff's FOIA request. I have reviewed and considered the exhibits submitted by Defendants in connection with this motion, and I have conducted a

pertinent review of that evidence in light of the September 30, 2015 Order. I find no merit in Defendant's motion.

Accordingly, Defendant's motion (ECF No. 36) is **DENIED**. The five named custodians are not relieved from inclusion in the search for responsive records, as defined in the September 30, 2015 Order.

Dated: November 25, 2015

BY THE COURT:

s/ Wiley Y. Daniel

Wiley Y. Daniel

Senior United States District Judge