

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

The Defendants in this matter have submitted a status report (ECF No. 39) in response to the Court's Order of September 30, 2015, which instructed Defendants to provide additional justification 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 have since abandoned their claims of deliberative process exemptions and focus now only the attorney/client privilege under Exemption 5, and personal identifier withholdings under Exemption 6. Defendants provided a revised *Vaughn* index with their status report, which describes the withheld documents under the attorney/client privilege exemption. Defendants also note in their status report that approximately nineteen other documents have been withheld in full based on Exemption 6, but that they are conferring with Plaintiff as to whether the parties can reach an agreement regarding the disclosure of these documents.

In the Court's Order, Defendants were also instructed to conduct a more thorough search of additional documents, to identify and review them for applicable exemptions, and to compile a *Vaughn* index for those exemptions. As a result of the additional search, Defendants provided Plaintiff with responsive documents on DVDs. Defendants provided the Court with two *Vaughn* indices for the newly discovered documents, and withheld information based on both the attorney/client privilege exemption and the personal identifier exemption.

The Court notes that the issues of this matter are intertwined with the issues in another pending matter, 15-cv-0127, which is pending before Judge William J. Martinez in this Court, and Defendants are conducting searches that are producing documents that are applicable in both actions. In light of the searches that Defendants have conducted, the newly discovered documents that have been produced for Plaintiff, and the ongoing conferral between the parties regarding produced or withheld documents in this matter, the Court, *sua sponte*, orders the following:

1. On or before **May 31, 2016**, counsel for Rocky Mountain Wild and counsel for the Forest Service shall meet and confer in good faith as to whether the Forest Service has, at that point, fully discharged its FOIA obligations as they pertain to Rocky Mountain Wild's February 2014 FOIA request; and
2. On or before **June 15, 2016**, Rocky Mountain Wild shall file a joint status report setting forth the issues on which the parties agree, and the parties' respective positions on issues for which they do not agree, if any. Based on the joint status report, the Court will address any remaining issues and set any additional deadlines.

Dated: April 6, 2016

BY THE COURT:

s/ Wiley Y. Daniel

Wiley Y. Daniel

Senior United States District Judge