

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF COLUMBIA

<b>JUDICIAL WATCH, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	Case No. 1:11-cv-00863-JDB
	)	
<b>U.S. DEPARTMENT OF DEFENSE,</b>	)	
	)	
<b>Defendant.</b>	)	

**STIPULATION**

The parties to this action, by and through their undersigned counsel, have conferred and have reached an agreement with respect to a schedule for further proceedings in this matter. In compliance with this Court’s order of June 14, 2011 (ECF 8), the parties stipulate as follows.

1. Plaintiff, Judicial Watch, Inc., does not request Defendant, United States Department of Defense, to produce drafts of documents that otherwise would have been responsive to the Freedom of Information Act (FOIA) request that is the subject of this action. Plaintiff continues to request transcripts of interviews of the three individuals named in its FOIA request (Dr. Newton Howard, Mr. Robert Giesler, and Captain Scott J. Phillpott, USN), but it does not request Defendant to produce the transcripts of any other interviews that otherwise would have been responsive to that request.

2. Defendant will make interim releases of material in response to Plaintiff’s FOIA request and not exempt from production on or before the following dates: (a) July 22, 2011; (b) August 26, 2011; and (c) September 30, 2011. Defendant will complete its production in response to Plaintiffs’ FOIA request by October 28, 2011.

3. Defendant will provide a draft of a *Vaughn* index to Plaintiff with respect to responsive documents subject to FOIA withheld in whole or in part on or before November 15, 2011. The parties agree that the provision of this draft index by Defendant is solely for the purpose of facilitating a resolution of this case; that Defendant will not be bound by the content of that draft index; and that Defendant may supplement or alter the index in conjunction with the filing of its summary judgment motion as it deems necessary.

4. Plaintiff will review the draft index provided pursuant to paragraph 3 above, and will inform Defendant no later than November 30, 2011, as to which exemptions asserted by Defendant, if any, it intends to challenge.

5. Defendant will file its motion for summary judgment on or before December 16, 2011.

6. Plaintiff will file its cross-motion for summary judgment, and combined brief in support of its motion and in opposition to Defendant's motion, on or before January 20, 2012.

7. Defendant will file its combined reply in support of its motion and opposition to the cross-motion on or before February 17, 2012.

8. Plaintiff will file its reply in support of its cross-motion on or before March 2, 2012.

Dated: June 13, 2011

Respectfully submitted,

/s/ David F. Rothstein  
JUDICIAL WATCH, Inc.  
By: David F. Rothstein, D.C. Bar No. 450035  
425 Third St., SW, Suite 800  
Washington, DC 20024  
Telephone: (202) 646-5172  
Fax: (202) 646-5199  
Email: drothstein@judicialwatch.org

*Attorneys for Plaintiff*

TONY WEST  
Assistant Attorney General

JOHN R. TYLER  
Assistant Branch Director

/s/ Joel McElvain  
JOEL McELVAIN, Senior Trial Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., NW, Room 7332  
Washington, D.C. 20001  
Telephone: (202) 514-2988  
Fax: (202) 616-8202  
Email: Joel.McElvain@usdoj.gov

*Attorneys for Defendant*