

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DAVID J. WIDI, JR.,)	
)	
Plaintiff,)	
)	
v.)	2:12-cv-00188-JAW
)	
PAUL MCNEIL, et al.,)	
)	
Defendants.)	

ORDER DISMISSING MOTION TO DISMISS

On February 24, 2015, the Bureau of Alcohol, Tobacco, and Firearms (ATF), the Executive Office of the United States Attorney (EOUSA), and the Office of Information Policy (OIP) moved to dismiss Count XVIII of the Second Amended Complaint in this case on the ground that these Defendants had released all non-exempt information under the Freedom of Information Act and the Privacy Act and therefore Count XVIII was moot. *Mot. to Dismiss Count XVIII of the Second Amended Compl.* (ECF No. 277). David Widi answered on March 27, 2015, objecting to the dismissal because some of the produced documents had been redacted and some requested documents had not been produced. *Objection to Mot. to Dismiss Count XVIII of the Second Amended Compl.* Mr. Widi says that the proper procedure is for the Defendants to file a so-called *Vaughn* index, which includes a general description of each document or each portion of each document and allows the court to review the legality of the agency's withholding. *Id.* at 12-13. In reply, the Defendants agree to supply the Court with a *Vaughn* index and to file a motion for summary judgment by

June 15, 2015. *Reply to Pl.'s Objection to Defs.' Mot. to Dismiss Count XVIII of the Second Amended Compl.* at 2-3 (ECF No. 287). They agree that the Court should dismiss the pending motion. *Id.*

Upon motion of Defendants ATF, EOUSA, and OIP, the Court DISMISSES without prejudice its Motion to Dismiss Count XVIII of the Second Amended Complaint (ECF No. 277) and ORDERS Defendants ATF, EOUSA, and OIP to file a so-called *Vaughn* Index and motion for summary judgment no later than June 15, 2015.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 13th day of April, 2015