

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:16-CV-386-BR

BRIER CREEK INTEGRATED PAIN &
SPINE PLLC,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH & HUMAN SERVICES, et al.,

Defendants.

ORDER

This case, brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, is before the court on the parties’ joint motion (D.E. 41) for entry of a scheduling order providing for production of a *Vaughn* Index. For good cause shown, the motion is ALLOWED, and critical deadlines are as follows:

1. Defendant Department of Health and Human Services (“DHHS”) shall by 9 September 2019 prepare and produce a *Vaughn* Index for all pages that were partially or fully redacted pursuant to 5 U.S.C. § 552(b)(5) from its document production, including all pages that were also partially or fully redacted pursuant to 5 U.S.C. § 552(b)(7).

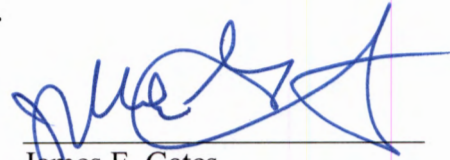
2. DHHS shall by 8 December 2019 prepare and produce a *Vaughn* Index for all remaining partially or fully redacted pages, beginning with those pages partially or fully redacted pursuant to 5 U.S.C. § 552(b)(6).

3. Between 9 September 2019 and 8 December 2019, DHHS shall provide interim, rolling productions of the *Vaughn* Index. Those rolling productions shall encompass no fewer than

4,000 pages and shall be produced to plaintiff Brier Creek Integrated Pain & Spine PLLC every two weeks.

4. The parties shall contact the court within 14 days of the final production of the *Vaughn* Index to schedule a status conference.

SO ORDERED, this 24th day of July 2019.



James E. Gates
United States Magistrate Judge