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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SIERRA CLUB, Plaintiff, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Defendant.	CASE NO. 3:18-cv-3472 EDL JOINT STATUS UPDATE AND STIPULATION ON DOCUMENT PRODUCTION SCHEDULE WITH [PROPOSED] ORDER

The parties to the above-captioned action jointly submit this status report and stipulation for a further production schedule, pursuant to the parties' stipulation of January 22, 2019, ECF No. 48, and the Court's December 26, 2018 Order, ECF No. 39.

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A. Procedural Background

This Court previously granted Plaintiff's motion for partial summary judgment and ordered Defendant "to produce documents to Plaintiff at approximately Plaintiff's proposed schedule. . . ." ECF No. 39 at 9–12. The Court also ordered Defendant to produce calendars for two EPA personnel every month. *Id.* at 11. The Court further directed the parties to confer "promptly as to the most efficient way for Defendant to produce the documents in Plaintiff's first two tiers by the end of February 2019 or as otherwise agreed to by the parties," *id.* at 1, and to file a status report by January 9, 2019. *Id.* at 12.

Due to the government shutdown, the parties filed their status report on January 22, 2019. ECF No. 48. The parties' agreed that Defendant would complete production of Tiers 1 and 2 by March 13, 2019, and submit a further status update and proposed production schedule by March 20, 2019. *Id.* at 5; *see also* ECF No. 50.

B. Status update

Defendant completed production as ordered in the Court's January 23, 2019 Order, ECF No. 50.

C. Production Schedule for Tiers 3-10

For the remaining tiers of documents identified by Sierra Club in its motion for partial summary judgment, the parties have agreed to the following production schedule.

1. Tiers 3 & 4

On or before May 8, 2019, EPA shall review the records in Tiers 3 and 4, and then release to Sierra Club all responsive non-exempt public records included in the review. EPA shall also produce the calendars of Nancy Beck and David Ross, and provide to Sierra Club a simple index of documents withheld in full in Tiers 3 and 4.

2. Tier 5

On or before June 10, 2019, EPA shall review the records in Tier 5, and then release to Sierra Club all responsive non-exempt public records included in the review. EPA shall also produce the calendars of Elizabeth Bennett and Sarah Greenwalt, and provide to Sierra Club a simple index of documents withheld in full in Tier 5.

3. Tier 6

On or before July 10, 2019, EPA shall review the records in Tier 6, and then release to Sierra

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Club all responsive non-exempt public records included in the review. EPA shall also produce the calendars of Justin Schwab and Brittany Bolen, and provide to Sierra Club a simple index of documents withheld in full in Tier 6.

4. Tier 7

On or before August 8, 2019, EPA shall review the records in Tier 7, and then release to Sierra Club all responsive non-exempt public records included in the review. EPA shall also produce the calendars of Christian Palich and Troy Lyons, and provide to Sierra Club a simple index of documents withheld in full in Tier 7.

5. Tiers 8 & 9

On or before September 20, 2019, EPA shall review the records in Tiers 8 and 9, and then release to Sierra Club all responsive non-exempt public records included in the review. EPA shall also produce the calendars of Patrick Davis and Byron Brown, and provide to Sierra Club a simple index of documents withheld in full in Tiers 8 and 9.

6. Tier 10

On or before October 30, 2019, EPA shall review the records in Tier 10, and then release to Sierra Club all responsive non-exempt public records included in the review. EPA shall also provide to Sierra Club a simple index of documents withheld in full in Tier 10.

D. Further Status Updates

By May 20, 2019, Sierra Club will identify the entirety of its remaining documents of interest from all four FOIA request at issue in this matter. After such documents are identified, the parties will engage in negotiations regarding any further production schedule and submit a further status report to the Court no later than July 1, 2019.

DATED: March 20, 2019

Respectfully submitted,

DAVID L. ANDERSON
United States Attorney

/s/ Adrienne Zack
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/s/Elena Saxonhouse [1]
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[1] *In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.*

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Pursuant to stipulation, IT IS SO ORDERED.

DATED:

The Honorable Elizabeth D. Laporte
United States Magistrate Judge

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