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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**

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9 **ELECTRONIC FRONTIER FOUNDATION,**

10 Plaintiff,

11 vs.

12 **DEPARTMENT OF JUSTICE,**

13 Defendant.  
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Case No.: 4:11-cv-05221-YGR

**ORDER RE: HOLDING CROSS-MOTIONS FOR  
SUMMARY JUDGMENT IN ABEYANCE**

15 On June 11, 2013, the Court issued an order, pursuant to the stipulation of the parties, holding  
16 its decision on the parties' pending cross-motions for summary judgment in abeyance. (Dkt. No.  
17 60.) The Court granted the stipulation in light of recent developments concerning release of  
18 previously classified information by the Director of National Intelligence ("DNI") related to Section  
19 215 of the USA PATRIOT Act of 2001, 50 U.S.C. § 1861 ("Section 215"). (*See* June 6, 2013 "DNI  
20 Statement On Recent Unauthorized Disclosures of Classified Information," at  
21 [http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information)  
22 [statement-on-recent-unauthorized-disclosures-of-classified-information.](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information))

23 The June 11, 2013 Order further directed the parties to submit a joint status statement no later  
24 than July 12, 2013. The Court is in receipt of the parties' Joint Status Report. (Dkt. No. 61.)  
25 Defendant requests that the Court continue to hold its summary judgment decision in abeyance until  
26 September 6, 2013, and require nothing more than that it provide the Court with a further "status  
27 report" and "proposal for further proceedings." Plaintiff, having agreed to the initial period of  
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United States District Court  
Northern District of California

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abeyance, now requests that the Court require Defendant to finalize its review and release of certain records, and provide a schedule for the remaining documents, no later than August 12, 2013.

Having considered the Joint Status Report, for good cause shown, the Court **ORDERS** that Defendant submit, on or before **September 4, 2013**:

(1) finalized classification determinations for records responsive to Plaintiff's request for:

(a) Significant opinions or orders of the FISC, and

(b) Any significant documents, procedures, or legal analyses incorporated into FISC opinions or orders and treated as binding by the Department of Justice or the National Security Agency;

(2) the dates by which it will release any re-classified, non-exempt documents or portions documents responsive to 1(a) and 1(b) above;

(3) a schedule for declassification review of other responsive documents previously withheld but and production of those now determined by Defendant to be non-exempt; and

(4) a proposed schedule for any further briefing on the cross-motions for summary judgment in light of the above, reached after meeting and conferring with Plaintiff.

The Court will hold its decision on the cross-motions for summary judgment in abeyance until, at least, September 4, 2013.

**IT IS SO ORDERED.**

Date: July 19, 2013

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE