

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELEC. FRONTIER FOUND.,

Plaintiff,

v.

DEP'T OF JUSTICE,

Defendant.

Civil Action No. 07-0656 (JDB)

ORDER

Currently before the Court is [25] plaintiff's motion to stay proceedings in this Freedom of Information Act ("FOIA") case pending issuance of new guidelines governing FOIA from the Attorney General, as directed by President Obama on January 21, 2009. The Attorney General published the new FOIA guidelines on March 19, 2009. The new guidelines rescinded the FOIA policies of the previous Administration and directed that FOIA requests should be denied "only if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law." Att'y Gen. FOIA Mem. at 2 (March 19, 2009). The Attorney General also instructed that "[w]ith regard to litigation pending on the date of the issuance of this memorandum, this guidance should be taken into account and applied if practicable when, in the judgment of the Department of Justice lawyers handling the matter and the relevant agency defendants, there is a substantial likelihood that application of the guidance would result in a material disclosure of additional information." Id.

Therefore, it is hereby **ORDERED** that [25] plaintiff's motion is **DENIED AS MOOT**; it is further

ORDERED that defendant Department of Justice ("DOJ") shall, consistent with the

Attorney General's memorandum, evaluate whether the new FOIA guidelines affect the scope of its disclosures and claimed withholdings in this case; and it is further

ORDERED that by not later than May 26, 2009, the parties shall meet and confer and file a joint status report regarding DOJ's evaluation of its disclosures and claimed withholdings in light of the new FOIA guidelines, production of a Vaughn index or declaration, and a briefing schedule for dispositive motions. If the parties cannot reach agreement on a proposed schedule, the parties shall submit competing proposals.

SO ORDERED.

/s/ John D. Bates
JOHN D. BATES
United States District Judge

Dated: March 24, 2009