

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
NAACP CONNECTICUT STATE
CONFERENCE, and NAACP BOSTON
BRANCH,

Plaintiffs,

v.

U.S. DEPARTMENT OF COMMERCE,

Defendant.

Civil Action No. 3:17-cv-01682-WWE

March 9, 2018

JOINT MOTION FOR ENTRY OF PROPOSED SCHEDULING ORDER

Plaintiffs, the National Association for the Advancement of Colored People, NAACP Connecticut State Conference, and the NAACP Boston Branch, and Defendant, the U.S. Department of Commerce, respectfully move for entry of the attached proposed scheduling order in the above-captioned case.

Plaintiffs brought this case under the Freedom of Information Act, 5 U.S.C. § 552. Because this is a FOIA action, it is exempt from the Local Rule 26(f) discovery planning process. D. Conn. L. Civ. R. 26(f)(3). Instead, the parties have agreed on the following schedule for the production of a *Vaughn* index, *see Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973) and briefing:

1. By March 18, 2018, Defendant shall produce a *Vaughn* index for all withheld documents responsive to Plaintiffs' FOIA request.
2. From March 19 to April 7, 2018, inclusive (hereinafter, the "Meet and Confer Period"), Plaintiffs and Defendant shall attempt to clarify and narrow the issues in dispute.

Plaintiffs and Defendant agree that they will use this period to negotiate in good faith regarding the scope of the dispute. Plaintiffs and Defendant may agree at any time to extend the Meet and Confer Period, or to terminate the Meet and Confer Period early.

3. Defendant's motion for summary judgment or motion to dismiss, including any declarations supporting such motion, shall be due 45 calendar days after the end of the Meet and Confer Period.
4. Plaintiffs' opposition to defendant's motion for summary judgment or motion to dismiss, together with any cross-motion for summary judgment (in one combined motion), shall be due 45 calendar days after Defendant files its motion for summary judgment or motion to dismiss.
5. Defendant's reply in support of its motion for summary judgment or motion to dismiss, together with Defendant's opposition to any cross-motion by Plaintiffs (in one combined motion), shall be due 20 calendar days after Plaintiffs file their opposition to Defendant's motion for summary judgment or motion to dismiss.
6. Plaintiffs' reply in support of their cross-motion, if any, shall be due 20 calendar days after Defendant files its reply.

The parties understand that under this proposed schedule, if each event takes place on the date of its prescribed deadline, and if no extensions are granted, the case will proceed according to the following calendar:

- **March 18, 2018:** Production of the *Vaughn* Index.
- **April 7, 2018:** End of the Meet and Confer Period.
- **May 22, 2018:** Defendant's motion for summary judgment or motion to dismiss
- **July 6, 2018:** Plaintiffs' opposition, together with any cross-motion.

- **July 26, 2018:** Defendant's reply, together with opposition to any cross-motion.
- **August 15, 2018:** Plaintiffs' reply, if any.

Plaintiffs and Defendant submit that there is good cause for this motion because it provides an efficient briefing schedule that is agreeable to all parties.

Respectfully submitted,

/s/ Michael J. Wishnie

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March __, 2018

JOINT PROPOSED SCHEDULING ORDER

The Court having considered the parties' Joint Motion for Entry of Proposed Scheduling Order, this motion is hereby GRANTED and the following schedule shall govern this case:

1. By March 18, 2018, Defendant shall produce a *Vaughn* index for all withheld documents responsive to Plaintiffs' FOIA request.
2. From March 19 to April 7, 2018, inclusive (hereinafter, the "Meet and Confer Period"), Plaintiffs and Defendant shall attempt to clarify and narrow the issues in dispute. Plaintiffs and Defendant agree that they will use this period to negotiate in good faith regarding the scope of the dispute. Plaintiffs and Defendant may agree at any time to extend the Meet and Confer Period, or to terminate the Meet and Confer Period early.
3. Defendant's motion for summary judgment or motion to dismiss, including any declarations supporting such motion, shall be due 45 calendar days after the end of the Meet and Confer Period.

4. Plaintiffs' opposition to Defendant's motion for summary judgment or motion to dismiss, together with any cross-motion for summary judgment (in one combined motion), shall be due 45 calendar days after Defendant files its motion for summary judgment or motion to dismiss.
5. Defendant's reply in support of its motion for summary judgment or motion to dismiss, together with Defendant's opposition to any cross-motion by Plaintiffs (in one combined motion), shall be due 20 calendar days after Plaintiffs file their opposition to Defendant's motion for summary judgment or motion to dismiss.
6. Plaintiffs' reply in support of their cross-motion, if any, shall be due 20 calendar days after Defendant files its reply.

Dated: _____, 2018

WARREN W. EGINTON
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2018, a copy of the foregoing motion was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Respectfully submitted,

/s/ Michael J. Wishnie
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