

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-61735-CIV-ZLOCH

BROWARD BULLDOG, INC., and
DAN CHRISTENSEN,

Plaintiffs,

vs.

ORDER

U.S. DEPARTMENT OF JUSTICE and
FEDERAL BUREAU OF INVESTIGATION,

Defendants.

THIS MATTER is before the Court sua sponte. The Court has carefully reviewed the entire court file herein and is otherwise fully advised in the premises.

After completing its initial review of the over eighty thousand pages of documents submitted by Defendants for the Court's in camera inspection pursuant to the Court's prior Order (DE 60), the Court enters the instant Order to set forth a schedule for the continuation of the above-styled cause. The Court provides this Order in lieu of holding the Status Conference previously set by its Order (DE 91). By the Court's prior Order (DE 58), Defendants' Motion For Summary Judgment (DE 25) was denied without prejudice. At this time, the Court will permit Defendants to submit a renewed Motion For Summary Judgment. In the Court's prior Order (DE 60) which provided the detailed directives concerning the Court's decision to grant Plaintiffs' Motion For Order Compelling Additional Search (DE 46), the Court addressed the need for further information in order to undertake the reasonableness inquiry required in the Court's review of Plaintiffs' Freedom of

Information Act, 5 U.S.C. § 552 (hereinafter "FOIA"), as amended by the OPEN Government Act of 2007, requests. The Court discussed three categories of concern raised by the pleadings at that time, which included the substance of the, at that time thirty-five-page, universe of documents, determined to be responsive to Plaintiffs' requests; the production time line of these documents; and ambiguities related to Defendants' filing system.

Thus, in the renewed Motion For Summary Judgment, the Court directs Defendants to address each of the above-referenced topics. Further, the Court will require Defendants to compile an updated and sequentially numbered universe of documents which have been turned over in redacted form to Plaintiffs and in unredacted form to the Court. This universe will begin with the original thirty-five-page universe and continue with the additional pages turned over after the searches ordered by the Court (DE 60). Defendants will file the redacted universe in the court file and will provide the unredacted universe to the Court in camera. Defendants will number each redaction within these documents sequentially and provide a separate appendix in which they specify any and all exemptions claimed for each numbered redaction. At the time of this renewed Motion For Summary Judgment, Defendants will provide all Declarations by all persons with specific knowledge of all searches performed to document each step which has been taken in the searches related to Plaintiffs' requests, including those order by the Court. These declarations shall be made by persons with direct and personal knowledge of these searches.

Finally, Defendants will provide a separate index in camera to

the Court in which, for each document included in the complete unredacted universe which Defendants contend are responsive to Plaintiffs' requests, a location within the complete universe of the search provided to the Court in camera is indicated, in order that the Court can confirm the precise location within the entirety of the searched documents at which each document considered by Defendants to be responsive can be found.

Plaintiffs will then be given an opportunity to respond to Defendants' renewed Motion For Summary Judgment and its accompanying requirements. In particular, Plaintiffs, using the numbering system established by Defendants, will provide a response to any exemption Defendants have supplied to justify a redaction, which Plaintiffs contend is inappropriate, which will aid the Court in any rulings which may be required after the Court undertakes its final determination of whether a reasonable search has been conducted with respect to the requests at issue in the above-styled cause.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. The Status Conference in the above-styled cause set for Thursday, October 26, 2017, at 10:30 A.M. before the Honorable William J. Zloch, in Courtroom A, United States Courthouse, 299 East Broward Boulevard, Fort Lauderdale, Florida be and the same is hereby cancelled, and in lieu of holding said Status Conference, the Court enters the following briefing schedule:

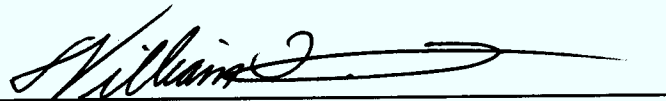
2. Defendants have until noon on Monday, November 27, 2017, to file their renewed Motion For Summary Judgment and its accompanying

requirements as described in more detail in this Order;

3. Plaintiffs have until noon on Thursday, January 11, 2018, to file their Response to Defendants' Motion and accompanying requirements, including any responses to Defendants' listed exemptions in support of Defendants' redacted portions from all documents within the sequentially paginated universe; and

4. Defendants have until noon on Thursday, January 25, 2018, to file their Reply in support of their Renewed Motion For Summary Judgment.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 13th day of October, 2017.



WILLIAM J. ZLOCH
Sr. United States District Judge

Copies furnished:

All Counsel of Record