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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 AMERICAN CIVIL LIBERTIES UNION OF)
12 NORTHERN CALIFORNIA, *et al.*,)

13 Plaintiffs,)

14 v.)

15 U.S. IMMIGRATION AND CUSTOMS)
16 ENFORCEMENT, *et al.*,)

17 Defendants.)

No. 4:21-cv-02632-DMR

**STIPULATION TO CONTINUE FURTHER
CASE MANAGEMENT CONFERENCE;
ORDER (AS MODIFIED)**

18 Plaintiffs American Civil Liberties Union of Northern California, Mijente Support Committee,
19 Just Futures Law, and Immigrant Defense Project (“Plaintiffs”) and defendants U.S. Immigration and
20 Customs Enforcement (“ICE”), U.S. Customs and Border Protection (“CBP”), and U.S. Department of
21 Homeland Security (“DHS”) (“Defendants”), by and through their undersigned counsel, hereby
22 STIPULATE and respectfully REQUEST that the Court continue the parties’ further case management
23 conference (“CMC”) set for January 19, 2022 at 1:30 p.m. by two (2) weeks, until **February 2, 2022 at**
24 **1:30 p.m.**, with the parties’ updated joint CMC statement due by January 26, 2022. This stipulation is
25 based on the following facts:

26 1. This action, filed on April 13, 2021 under the Freedom of Information Act (“FOIA”),
27 concerns one FOIA request Plaintiffs directed to Defendants, dated July 6, 2020. ECF No. 1 at 20-23.
28 As the parties previously reported to the Court, since the filing of the lawsuit, Defendants have answered

1 the complaint, the parties have met and conferred regarding the FOIA request and the collection and
2 processing of records, including by telephone and email, and Defendants have been working to respond
3 to the Request. *See* ECF Nos. 27, 35.

4 2. The parties have met and conferred productively regarding several issues, and would like
5 to continue to meet and confer before the parties' further CMC in an effort to narrow the issues before
6 presenting them to the Court. In particular, following parties' CMC on December 15, 2021, the Court
7 ordered the parties to "meet and confer immediately to discuss the CBP production," with the meet and
8 confer to "include a CBP representative(s) who is able to speak with knowledge and authority on how
9 the Clearwell system works, the technical problems that have recently arisen, and the specific issues
10 involved in the CBP review and production of documents in this case." ECF No. 36. The Court set a
11 further CMC for January 19, 2022, with the parties' updated joint CMC statement due by January 12,
12 2022. *Id.* The parties thereafter met and conferred on all issues, consistent with the Court's order, by
13 telephone on December 22, 2021 and January 7, 2022, and by email on January 6, 11, and 12, 2022.

14 3. Counsel for the parties have discussed thoroughly the process by which documents are
15 uploaded to Clearwell, the process for identifying exact duplicate pages and near-duplicate pages, the
16 process for determining a final page count of potentially responsive records, the process of prioritization
17 of certain records for review, the batching and review process, and the most efficient sequencing of
18 these procedures.

19 4. CBP has been able to successfully upload certain records to Clearwell and remove exact
20 duplicate pages. On January 12, 2022, CBP determined that there are a minimum of 130,983 potentially
21 responsive pages, though this number excludes certain file types and other records for which the agency
22 continues to encounter technical difficulties. Given the large number of potentially responsive pages, the
23 parties must confer further regarding prioritization or other methods of identifying records for review
24 and production in a timely manner.

25 5. The parties believe that further discussions would be helpful before presenting any
26 remaining issues to the Court. Accordingly, the parties stipulate and respectfully request that the Court
27 continue the parties' further CMC by two (2) weeks, from January 19, 2022 until February 2, 2022, so
28 the parties can continue this process. The parties respectfully submit that this is the most efficient

manner to proceed and will conserve the parties' and Court's resources.

SO STIPULATED.

Respectfully submitted,

STEPHANIE M. HINDS
United States Attorney

Dated: January 12, 2022

By: /s/ Savith Iyengar
SAVITH IYENGAR
Assistant United States Attorney
Attorney for Defendant

Dated: January 12, 2022

By: **/s/ Vasudha Talla
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** Pursuant to Civ. L.R. 5-1(i)(3), the filer of the document has obtained approval from this signatory.

ORDER (AS MODIFIED)

IT IS HEREBY ORDERED that the further Case Management Conference currently set for January 19, 2022 at 1:30 p.m. is continued until February 2, 2022 at 1:30 p.m. in Oakland - by videoconference only. The parties shall submit an updated joint case management conference statement by January 26, 2022.

Dated: January 13, 2022

