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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARIA A. POMARES,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS,

Defendant.

Case No.: 3:21-cv-00084-H-MSB

**ORDER SETTING BRIEFING
SCHEDULE**

[Doc. No. 57]


On November 18, 2024, the Court held an appeal mandate hearing and requested the parties submit a joint request for scheduling regarding their forthcoming cross-motions for summary judgment. On November 25, 2024, the parties filed their joint request for scheduling. (Doc. No. 57.) Accordingly, the Court issues the following briefing schedule to govern the parties’ filings:

1. Defendant must provide Plaintiff a Vaughn index compliant with Ninth Circuit case law describing all records sought by Plaintiff that Defendant is withholding under specified exemptions or other grounds by **January 16, 2025**.
2. The parties must meet and confer regarding any disputed exemption asserted by Defendant or any other disputes on or before **January 27, 2025**.
3. Defendant must file its motion for summary judgment by **February 14, 2025**.

- 1 4. Plaintiff must file her motion for summary judgment and any opposition to
- 2 Defendant's motion for summary judgment by **March 28, 2025**.
- 3 5. Defendant must file any reply in support of its motion for summary judgment
- 4 and any opposition to Plaintiff's motion for summary judgment by **April 11,**
- 5 **2025**.
- 6 6. Plaintiff must file any reply in support of her motion for summary judgment
- 7 by **April 29, 2025**.
- 8 7. Defendant contends the Vaughn index need not address records the
- 9 withholding of which the Ninth Circuit affirmed in *Pomares v. Dep't of*
- 10 *Veterans Affs.*, 113 F.4th 870 (9th Cir. 2024). Plaintiff disputes said
- 11 contention. The Court is bound by the Ninth Circuit decision. Accordingly,
- 12 the Vaughn index need not address records the withholding of which the Ninth
- 13 Circuit affirmed.
- 14 8. The parties represent that they have been unable to reach agreement on the
- 15 following point and therefore reserve their rights as follows: Plaintiff reserves
- 16 her right to seek discovery in this matter and Defendant reserves its right to
- 17 object to said discovery. Defendant reserves the right to move to continue the
- 18 summary judgment briefing deadlines if it believes the continuance is
- 19 warranted by the discovery Plaintiff propounds. Defendant would seek to
- 20 defer the summary judgment briefing schedule set forth above until such
- 21 discovery is complete. Plaintiff reserves the right to oppose such motions.
- 22

23 **IT IS SO ORDERED.**

24 DATED: December 2, 2024

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27 MARILYN L. HUFF, District Judge
28 UNITED STATES DISTRICT COURT