

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

American Civil Liberties Union of
Michigan,

Plaintiff,

v.

U.S. Department of Homeland
Security and U.S. Customs and
Border Protection,

Defendants.

Case No. 17-cv-11149

Judith E. Levy
United States District Judge

Mag. Judge Elizabeth A. Stafford

**ORDER REGARDING PRODUCTION OF DOCUMENTS FROM
INITIAL CUSTODIANS AND SUPPLEMENTAL BRIEFING**

On October 26, 2017, the Court held a telephonic status conference regarding outstanding issues related to plaintiff's Freedom of Information Act ("FOIA") requests. During that conference, the Court was informed that defendants have used search terms provided by plaintiff to narrow the scope of their FOIA requests as to six identified custodians relevant to this case to 1,600 records totaling 4,100 pages.

The Court hereby orders that:

By November 27, 2017, defendants will review for responsiveness and for information exempt from disclosure under the FOIA the first 820 pages of the records identified as potentially responsive to plaintiff's FOIA requests, located through defendants' search of email records from the six identified custodians in the Customs and Border Protection ("CBP") Detroit Field Office. By that date, defendants will also produce to plaintiffs responsive, non-exempt records identified in this review and identify any asserted exemptions.

Defendants will repeat this process subject to the above requirements each successive month for each successive batch of 820 documents, with each batch to be reviewed and produced by the 27th of each month, or by the next business day if the 27th of the month falls on a weekend or a holiday.

By April 27, 2018, the parties will submit a joint status report to the Court, addressing the status of defendants' response to plaintiff's FOIA requests.

The parties are ordered to provide supplemental briefing regarding two other issues: first, whether defendants should be required to produce Microsoft Excel files in their original, native format,

and second, whether and how the government should be required to produce individual records from the TECS system database. Plaintiff may file a brief of no more than fifteen pages on or before November 9, 2017, defendants may file a responsive brief of no more than fifteen pages on or before November 28, 2017, and plaintiff may file a reply brief of no more than seven pages by December 8, 2017.

The Court will address plaintiff's request to file a motion for partial summary judgment regarding the date cutoff the government seeks to apply to the FOIA requests in a subsequent order.

IT IS SO ORDERED.

Dated: October 26, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 26, 2017.

s/Shawna Burns
SHAWNA BURNS
Case Manager