

**OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
Northern District of California**

**CIVIL MINUTES**

**Date:** February 11, 2021

**Time:** 11:02-11:23=  
21 Minutes

**Judge:** EDWARD M. CHEN

**Case No.:** [19-cv-00290-EMC](#)

**Case Name:** American Civil Liberties Union Foundation v.  
Department of Justice

**Attorneys for Plaintiff:** Matt Cagle, Hugh Handeyside

**Attorneys for Defendant:** Elizabeth Tulis, Michael Gerardi

**Deputy Clerk:** Angella Meuleman

**Court Reporter:** Ana Dub

**PROCEEDINGS HELD BY ZOOM WEBINAR**

Further Case Management Conference - held.

**SUMMARY**

Parties stated appearances.

Court noted progress made on a number of fronts but two main areas remain of concern: DHS Privacy and State – still no records produced.

DHS Privacy: Government stated that search of responsive records is to be performed before processing and production begins. It is not planning to produce on a rolling basis. Court stated lack of production of any documents to date is unacceptable. Previous orders with deadlines have not been met, and this greatly concerns the Court.

Court **ORDERED** the parties to prepare a schedule for production and rolling production. Court will anticipate firm and enforceable dates set. Parties are further **ORDERED** to return to Magistrate Judge Illman for subsequent hearing regarding setting firm dates.

State Department: Production began in 2019 until start of pandemic in early 2020. Unclassified documents that were placed on classified servers will need to be moved to unclassified platform and that is causing some delay. Government is on track for the 2/24/2021 deadline. The fact that State has to date only “ingested” 4 of 38 parts is not acceptable. It must accelerate the process.

Court will expect to see new benchmark dates on an accelerated schedule and directed the parties to return to Magistrate Judge Robert Illman to work out the schedule. Judge Illman to set dates if parties can't agree.

Further Case Management Conference set 5/13/2021 at 10:30AM. Joint cmc statement due 5/6/2021.