

1 BRIAN M. BOYNTON
 Acting Assistant Attorney General
 2 ELIZABETH J. SHAPIRO
 Deputy Director, Federal Programs Branch
 3 VINITA B. ANDRAPALLIYAL
 Trial Attorney
 4 Department of Justice
 Civil Division, Federal Programs Branch
 5 1100 L Street, NW
 Washington, DC 20005
 6 T: 202-305-0845
 E: Vinita.b.andrapalliya1@usdoj.gov
 7 *Attorneys for Defendants*

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12
 13
 14 AMERICAN CIVIL LIBERTIES UNION
 FOUNDATION, et al.,

15
 16 Plaintiffs,

17
 18 v.

19 UNITED STATES DEPARTMENT OF
 20 JUSTICE, et al.,

21 Defendants.
 22

Case No. 3: 19-cv-00290-EMC

**JOINT MOTION FOR
 CLARIFICATION, CORRECTION, OR
 RELIEF FROM ORDER**

Motion Hearing Date: 10/21/21 1:30 PM

1 The parties respectfully request clarification or a correction of a portion of this Court's
2 September 23, 2021, order that granted in part and denied in part both parties' motions for partial
3 summary judgment. Order, ECF No. 145. The parties notice the motion for October 21, 2021 at
4 1:30 PM, but respectfully request that this motion be decided on the papers.

5 On pages 8 and 9 of the Order, the Court examined a PowerPoint presentation included in
6 records U.S. Citizenship and Immigration Services (USCIS) produced in response to Plaintiff's
7 Freedom of Information Act (FOIA) request. *Id.* at 8–9. The Court concluded that FOIA
8 Exemption 7(E) did not apply to the first part of the presentation at pages 1878–87 and ordered
9 USCIS to reprocess pages 1878–85 without any redactions. *Id.* However, USCIS had not
10 redacted any information from pages 1878–85 of its production.¹ *See* March 25, 2021 Decl. of
11 Hugh Handeyside at 147–54, ECF No. 109-3 (USCIS's production of those pages); *see also* June
12 10, 2021 Decl. of Hugh Handeyside at 52–59, ECF No. 134-3 (same).

13 Because USCIS has already released in full the pages that this Court ordered to be
14 reproduced without redactions, the parties request clarification or correction of this Court's order
15 regarding USCIS's FOIA production. *See* Fed. R. Civ. P. 60(a). Alternatively, USCIS
16 respectfully seeks relief from the order. Fed. R. Civ. P. 60(b)(1).

17 Dated: September 29, 2021

Respectfully submitted,

18 BRIAN M. BOYNTON
19 Acting Assistant Attorney General

20 ELIZABETH J. SHAPIRO
21 Deputy Director, Federal Programs Branch
22

23
24 ¹ While USCIS had initially redacted pages 1886 and 1887 under Exemption 7(E), *see* March 25,
25 2021, Handeyside Decl. at 155–56, ECF No. 109-3, it released those pages in full prior to the
26 close of briefing, *see* June 10, 2021 Handeyside Decl. at 60–61. In any event, while this Court
27 concluded that Exemption 7(E) did not apply to those pages, this Court did not order the pages to
28 be reprocessed, presumably because USCIS already reprocessed them. *See* Order at 8–9.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Vinita B. Andrapalliyal
VINITA B. ANDRAPALLIYAL
U.S. Department of Justice, Civil Division
1100 L Street, NW
Washington, DC 20005
Phone: 202-305-0845
Email: Vinita.b.andrapalliyal@usdoj.gov

Attorneys for Defendants

/s/ Hugh Handeyside
Hugh Handeyside
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: 212-549-2500
hhandeyside@aclu.org

Matthew Cagle
American Civil Liberties Union
Foundation of Northern California
39 Drumm Street
San Francisco, CA 94111
Telephone: 415-621-2493
mcagle@aclunc.org

Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, *et al.*,

Case No. 19-CV-00290-EMC

Plaintiffs,

v.

DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

[PROPOSED] ORDER

Upon review of the parties' joint motion for clarification, correction, or relief from this Court's order on summary judgment, this Court orders that the motion is GRANTED.

This Court hereby clarifies/corrects/issues relief from its prior order as follows:

IT IS SO ORDERED.

Dated: _____, 2021

Hon. Edward M. Chen
United States District Judge