

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<hr/>		)	
<b>ELECTRONIC FRONTIER</b>		)	
<b>FOUNDATION,</b>		)	
		)	
<b>Plaintiff,</b>		)	
		)	
<b>v.</b>		)	<b>Civil Action No. 06-01988 (ESH)</b>
		)	
<b>DEPARTMENT OF HOMELAND</b>		)	
<b>SECURITY,</b>		)	
		)	
<b>Defendant.</b>		)	
<hr/>		)	

**ORDER**

A hearing was held on this date in the above-captioned matter. For the reasons stated in open Court, defendants have failed to meet the rigorous standard for a stay set forth in *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605, 616 (D.C. Cir. 1976).

Therefore, defendant’s motion for a stay of proceedings is denied.

Nonetheless, the government is entitled to review any responsive documents for classification purposes prior to production, and the Court cannot order the agency to release potentially classified documents without review “no matter how dilatory [it] might be.” *Nat’l Sec. Archive Fund, Inc. v. U.S. Dep’t of Air Force*, Civ. No. 05-571, 2006 WL 1030152, at \*5 (D.D.C. Apr. 19, 2006). Accordingly, the Court will grant defendant’s motion to amend the prior scheduling order. Defendant shall produce all responsive non-exempt documents and provide plaintiff a final *Vaughn* index no later than April 30, 2008. Plaintiff shall notify defendant by May 9, 2008, as to which exemptions it contests, and defendant shall file its motion for summary judgment by May 27, 2008. In addition, the parties shall meet by November 20,

