

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
ELECTRONIC FRONTIER)	
FOUNDATION,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 06-cv-1773 (RBW)
)	
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
_____)	

**DEFENDANT’S NOTICE IN RESPONSE TO THE COURT’S FEBRUARY 11, 2009,
ORDER**

Pursuant to the Court’s Order of February 11, 2009 (dkt. no. 27), defendant Department of Justice hereby provides notice that the defendant does not currently seek to amend Defendant’s Motion for Summary Judgment (dkt. no. 25) or the materials filed in support of the motion.

This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. On January 23, 2009, defendant Department of Justice filed a motion for summary judgment in accordance with a briefing schedule agreed to by the parties and approved by the Court. Def.’s Mot. for Summ. J. On January 29, 2009, plaintiff Electronic Frontier Foundation (EFF) moved the Court for an order that would stay proceedings in this litigation pending the issuance of new FOIA guidelines by the Attorney General and require that, within 30 days of the issuance of the new guidelines, the defendant submit a report stating whether and to what extent the new guidelines altered the government’s position with respect to the material at issue in this litigation. Pl.’s Mot. to Stay Proceedings (dkt. no. 26). On February 11, 2009, the Court entered an order requiring the defendant to submit a notice within 60 days advising the Court whether

the defendant's position has changed, and staying the Court's consideration of the plaintiff's motion to stay the proceedings pending filing of the defendant's notice. Order (dkt. no. 27).¹

Pursuant to the Court's order, the Department of Justice hereby provides notice that it does not currently seek to amend Defendant's Motion for Summary Judgment or the materials filed in support of the motion.

Dated: April 13, 2009

Respectfully submitted,

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/s/ JAMES C. LUH
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¹On March 19, 2009, the Attorney General issued new FOIA guidelines to the heads of executive departments and agencies. See Press Release, Department of Justice, Attorney General Issues New FOIA Guidelines to Favor Disclosure and Transparency (Mar. 19, 2009), available at <http://www.usdoj.gov/opa/pr/2009/March/09-ag-253.html>; see also Pl.'s Notice of Filing Supplemental Authorities (dkt. no. 33). Because the Attorney General issued the new FOIA guidelines on March 19, 2009, and because the Court's order of February 11, 2009, required the defendant to file this notice on or before April 13, 2009, Plaintiffs' Motion to Stay Proceedings should be denied as moot.