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

14 \_\_\_\_\_ ) Nos. 08-2997 JSW & 08-1023 JSW  
15 ELECTRONIC FRONTIER FOUNDATION, )  
16 Plaintiff, ) **JOINT STATUS REPORT**  
17 v. )  
18 OFFICE OF THE DIRECTOR OF NATIONAL )  
19 INTELLIGENCE and UNITED STATES )  
20 DEPARTMENT OF JUSTICE )  
Defendants. )

21 Pursuant to the Court’s Order of March 23, 2009 (Docket No. 60), the parties respectfully  
22 submit this Joint Status Report to inform the Court of the status of this matter.

23 Defendants report that they reviewed the new Freedom of Information Act (“FOIA”)  
24 guidelines issued by the Attorney General on March 19, 2009, as well as President Obama’s  
25 Memorandum for the Heads of Executive Departments and Agencies on the FOIA, issued on  
26 January 21, 2009. Defendants further report that they applied the new FOIA guidelines to the  
27 documents at issue in this matter and identified some information for discretionary release.

28 Counsel for defendants communicated the results of defendants’ review to plaintiff’s  
Joint Status Report – C 08-2997 & 08-1023 (JSW)

1 counsel, and the parties agree that by May 12, 2009, defendants will produce the materials for  
2 discretionary release to plaintiff and file revised Vaughn indices with the Court to reflect these  
3 additional releases. The parties propose that the Court reset the deadline for plaintiff's reply  
4 brief for June 2, 2009, and the hearing on the parties' cross-motions for summary judgment for  
5 June 19, 2009, or at the Court's earliest convenience thereafter..

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7 Dated: April 24, 2009

Respectfully submitted,

8 MICHAEL F. HERTZ  
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10 JOHN R. TYLER  
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11 /s/ Marcia Berman  
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**GENERAL ORDER NO. 45(X) CERTIFICATION**

I attest that I have obtained Marcia Hofmann's concurrence in the filing of this document.

/s/ Marcia Berman  
MARCIA BERMAN

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