

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PUBLIC RECORD MEDIA, LLC,
PLAINTIFF,
V.
U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
DEFENDANT.

CIVIL No. 12-CV-3065 (JRT/TNL)

**PRETRIAL SCHEDULING
ORDER
(FOIA CASE)**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and less expensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon formal motion and a showing of good cause as required by D. Minn. LR 16.3.

1. Scheduling

After meeting and conferring at the Rule 16 conference with the undersigned, the parties agreed to the schedule as follows:

- a. On or prior to May 1, 2013, Defendant shall file an affidavit or declaration regarding its search for responsive records.
- b. On or prior to June 1, 2013, Plaintiff shall file any objections to Defendant's affidavit or declaration.
- c. On or prior to May 1, 2013, Defendant shall file a so-called *Vaughn* Index.
- d. On or prior to June 1, 2013, Plaintiff shall file any objections to Defendant's *Vaughn* Index.
- e. Dispositive motions shall comply with Section 2 and all other applicable sections of this Order, if any.

- f. On or prior to 60 days after the ruling on all dispositive motions, Plaintiff shall fully brief and file any motion for an award of attorneys' fees, costs and disbursements in the same manner as required for dispositive motions set forth in Section 2 of this Order.
- g. If no dispositive motion is filed pursuant to the terms of this Order, then Plaintiff shall fully brief and file any motion for an award of attorneys' fees, costs and disbursements (in the manner required for dispositive motions set forth in Section 2 of this Order) on or before August 1, 2013.

2. Dispositive Motions

- a. All dispositive motions shall be **fully briefed and filed by the moving party** on or before August 1, 2013.
- b. All dispositive motions must comply with Local Rule 7.1(c). Responses to dispositive motions shall be filed with the Court and served on or before **twenty-one (21) days after the service of the supporting memorandum to the original motion**. Replies to responsive briefs shall be served and filed **fourteen (14) days after the service of the response to the dispositive motion**. Upon the motion being fully briefed and filed, counsel for the moving party shall email Judge Tunheim's chambers at Tunheim_Chambers@mnd.uscourts.gov to request a hearing date. Upon receiving from Judge Tunheim's calendar clerk a hearing date, time and location, the moving party shall file the amended notice of hearing at that time.

3. Status & Settlement Conferences

- a. The parties do not agree that an early settlement conference is appropriate in this case.
- b. Counsel for the parties shall submit a joint letter to the Court setting forth the status of the case with reasonable specificity on or shortly prior to June 15, 2013.
- c. A formal settlement conference shall be scheduled by the Court on a later date when needed.

4. Trial

This case shall be resolved by dispositive motion practice and the Court's ruling on any motion for attorneys' fees, costs and disbursements.

5. Prior Orders and Remedies

- a. All prior consistent orders remain in full force and effect.
- b. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

IT IS SO ORDERED.

Dated: April 2, 2013

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
*Public Records Media vs. US Dept. of
Health and Human Services
12CV3065*