

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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AMERICAN IMMIGRATION LAWYERS)	
ASSOCIATION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10-cv-01224-EGS
)	
UNITED STATES DEPARTMENT OF)	
HOMELAND SECURITY, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**CONSENT MOTION TO WITHDRAW DEFENDANTS’ MOTION FOR SUMMARY
JUDGMENT & TO STAY FURTHER SUMMARY-JUDGMENT BRIEFING**

The United States Department of Homeland Security and the United States Citizenship and Immigration Services (collectively, “Defendants”), respectfully move the Court to withdraw their motion for summary judgment (“Motion”) filed on December 10, 2010, without prejudice. See Defs.’ Motion, Dkt. No. 11. Defendants also respectfully request that the Court stay further summary-judgment briefing. Pursuant to Local Civil Rule 7(m), on February 23, 2011, Assistant United States Attorney David Rybicki contacted Plaintiff’s counsel, Seth Watkins, Esq., who consented to the withdrawal of Defendants’ Motion, a stay, and revised scheduling for this action, as requested herein.

After having reviewed the American Immigration Lawyers Association’s (“Plaintiff”) cross-motion for summary judgment and opposition to Defendants’ Motion (Dkt. Nos. 13 & 14) (“Plaintiff’s Motion”), Defendants will undertake a renewed search for responsive records and reconsider redactions and claims of FOIA exemptions with respect to records already produced in response to Plaintiff’s FOIA requests.

Defendants also respectfully request that further summary-judgment briefing in this action be stayed for thirty (30) days, i.e., until March 28, 2011, to allow Defendants to undertake a renewed search for responsive records, provide updated Vaughn indices and supporting declarations should they become necessary, and produce all responsive, non-exempt records. Defendants respectfully request that the Court further extend the stay by an additional twenty-one (21) days, i.e., until April 18, 2011, to permit Plaintiff to review Defendants' renewed response to their FOIA requests, at which time Plaintiff, at its option, may file a substitute and/or renewed motion for summary judgment to replace Plaintiff's Motion that is currently pending.

The following revised schedule is thus respectfully proposed:

Defendants undertake a renewed search, provide updated <u>Vaughn</u> indices and supporting declarations as necessary, and produce all responsive, non-exempt records	March 28, 2011
Plaintiff to file a substitute and/or renewed motion for summary judgment, if any	April 18, 2011
Defendants to file an opposition to Plaintiff's substitute/renewed summary judgment motion and cross-move for summary judgment	May 9, 2011
Plaintiff to file a reply memorandum in support of its summary-judgment motion and its opposition to Defendants' cross-motion for summary judgment	May 30, 2011
Defendants to file a reply memorandum in support of their cross-motion for summary judgment	June 20, 2011

A proposed order is submitted concurrently herewith.

Date: February 24, 2011
Washington, D.C.

Respectfully submitted,

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United States Attorney
for the District of Columbia

RUDOLPH CONTRERAS, D.C. Bar #434112
Chief, Civil Division

BY: /s/ David C. Rybicki
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Associate Counsel, Office of Chief Counsel
United States Citizenship & Immigration Services
United States Department of Homeland Security

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))	
Defendants.))	
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[PROPOSED] ORDER

UPON CONSIDERATION of the Defendants’ consent motion to withdraw their motion for summary judgment and to stay further summary-judgment briefing, and for good cause shown, it is hereby:

ORDERED that Defendants’ motion is **GRANTED**; and it is further

ORDERED that the following revised schedule shall govern further proceedings in this action:

Defendants shall undertake a renewed search, provide updated <u>Vaughn</u> indices and supporting declarations as necessary, and produce all responsive, non-exempt records	March 28, 2011
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Plaintiff shall file a substitute and/or renewed motion for summary judgment, if any	April 18, 2011
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Defendants shall file an opposition to Plaintiff’s substitute/renewed summary judgment motion and cross-move for summary judgment	May 9, 2011
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Plaintiff shall file a reply memorandum in support of its summary-judgment motion and its opposition to Defendants’ cross-motion for summary judgment	May 30, 2011
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Defendants shall file a reply memorandum in support
of their cross-motion for summary judgment

June 20, 2011

SO ORDERED.

SIGNED:

Date

EMMET G. SULLIVAN
United States District Judge