

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

ELECTRONIC PRIVACY INFORMATION CENTER,)	
v.)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
Defendant.)	

Case No. 15-cv-1955 (TSC)

**JOINT MOTION TO VACATE ENTRY OF DEFAULT,
ADJOURN STATUS CONFERENCE AND SET A DATE
FOR A JOINT STATUS REPORT**

The parties, by and through undersigned counsel, move that the Court vacate the entry of default by the Clerk on January 6, 2016, deny as moot the pending motion for default judgment, and adjourn the status conference scheduled for February 1, 2016. As grounds for this motion, the parties state as follows.

1. This action under the Freedom of Information Act was brought by the Electronic Privacy Information Center (“EPIC”) and filed on November 4, 2015. On January 5, 2016, EPIC filed an Affidavit for Default and on January 6, 2016, the Clerk entered a default. Following entry of default by the Clerk, EPIC filed a motion for default judgment. By order dated January 8, 2016, the Court ordered DOJ to respond to that motion on or before January 25, 2016, which date was extended to January 29, 2016, by minute order dated January 22, 2016.

2. The FOIA request at issue seeks release of a single document described in the Complaint as the ‘EU-US Umbrella Agreement on the data protection.’ (Compl. ¶ 2, 22).

3. On January 25, 2016, DOJ released in full the document requested by EPIC, as set forth in the attached response letter.

4. Accordingly, the parties jointly move that the Court vacate the Clerk's entry of default and dismiss as moot EPIC's motion for default judgment. In addition, the parties move that the Court adjourn the status conference scheduled for February 1, 2016.

5. The Parties are in agreement that there are no remaining issues in this case other than the issue of attorneys' fees.

6. EPIC has raised the issue of attorneys' fees and the parties require additional time to discuss that issue and to determine whether or not that issue may be resolved without further briefing.

7. Accordingly, EPIC and DOJ propose that the Court allow four weeks for discussion of fees and costs. If the parties have not resolved the fee issues by February 26, 2016, the parties propose that they file on that date a Joint Status Report with the Court regarding further scheduling.

8. A proposed order is attached.

Respectfully submitted,

CHANNING D. PHILLIPS
D.C. BAR # 415793
United States Attorney

DANIEL F. VAN HORN
D.C. BAR # 924092
Civil Chief

By: _____/s/
JEREMY S. SIMON, D.C. BAR #447956
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-2528

Jeremy.simon@usdoj.gov

And

MARC ROTENBERG
D.C. Bar # 422825
EPIC Executive Director

Alan Butler
D.C. Bar # 1012128
EPIC Senior Counsel

/s/

Thailam John Tran
D.C. Bar # 1027767
ELECTRONIC PRIVACY INFORMATION CENTER
1718 Connecticut Avenue, NW, Suite 200
Washington, DC 20009
(202) 483-1140
Email: tran@epic.org