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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MARIN

American Civil Liberties Union of Northern California, Petitioner, v. **California Department of Corrections and Rehabilitation,** Respondent.	Case No. CV1504195 **[~~PROPOSED~~] ORDER GRANTING EX PARTE APPLICATION TO MODIFY SCHEDULE SET IN COURT'S FEBRUARY 10, 2016 DECISION AND ORDER** Date: February 16, 2015 Time: 9:00 a.m. Dept: E Judge: The Honorable Paul M. Haakenson Trial Date: None set Action Filed: November 18, 2015

On February 16, 2016, at 9:00 a.m. in Department E of the above-entitled court, the ex parte application of Respondent California Department of Corrections and Rehabilitation for an order modifying the schedule set in the Court's February 10, 2016 Decision and Order came on regularly for hearing, the Hon. Judge Paul M. Haakenson presiding. Respondent California Department of Corrections and Rehabilitation was represented by Deputy Attorney General Lowell S. Finley. Plaintiff American Civil Liberties Union of Northern California was represented by David H. Fry of Munger, Tolles & Olson.

The Court, having considered the papers and the arguments of counsel, and being fully advised, hereby modifies the schedule set in the February 10, 2016 Decision and Order, at pages 17-18 thereof, as follows:

ORDER

Respondent California Department of Corrections and Rehabilitation has agreed to extend the public comment period relating to the rules at issue and discussed herein to April 6, 2016. Consequently, the court will conduct further *in camera* review of any documents Respondent wishes to re-submit without redaction, under the following deadlines:

1. On or before February 26, 2016, Respondent is ordered to produce to the court and Petitioner an exemption log containing the 1,652 documents referenced in the court's spreadsheet containing the court's decision as to each of said documents. This exemption log shall list the documents in numerical order and shall not be divided into the 5 categories previously used. It should parallel the court's spreadsheet. This exemption log shall contain a column identifying those documents that are being submitted without redaction for further *in camera* review.
2. On or before February 26, 2016, Respondent is ordered to produced to the court a separate file containing the documents included in the 1,652 documents referenced above, that are being submitted un-redacted, for further *in camera* review. The above ordered log shall hyperlink to each of the documents re-submitted for further review.
3. On or before February 26, 2016, Respondent is ordered to produce to the court and Petitioner a separate exemption log containing the 1,131 documents referenced in the

court's spreadsheet identifying those documents not previously appearing on any log. This log should parallel the court's spreadsheet.

4. On or before February 26, 2016, Respondent is ordered to produce to the court a separate file containing the documents included in the 1,131 documents reference above, that are being re-submitted, redacted or un-redacted for *in camera* review. Since the court has not reviewed these documents, they may be redacted if Respondent is claiming the attorney-client or absolute work product privilege. However, the court will not later conduct further review of these documents. The decision will be final after this review. The above ordered log shall hyperlink to each of the documents re-submitted for further review.

5. By March 18, 2016 Respondent is to conduct further search using as search terms described on page 16 of this decision. Respondent must report the results of this search, that is, whether any new documents are discovered and whether any exemptions are to be claimed, at the hearing on March 18, 2016.

6. The matter is set for further hearing at ~~9:00 AM~~ 1:30 p.m., March 18, 2016.

DATED: 2-16-16

PAUL M. HAAKENSON
Judge of the Superior Court

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