

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

_____	)	
<b>John Eakin,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Case No. 5:16-cv-00972-RCL</b>
	)	
<b>United States Department of Defense,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

Before the Court are plaintiff Eakin’s Motion for Summary Judgment and defendant Department of Defense’s Cross-Motion for Summary Judgment. ECF Nos. 16 & 22. Upon consideration of the motions, the respective responses and replies, and the applicable law, and for the reasons in the accompanying Memorandum Order issued this same date, it is hereby **ORDERED** that plaintiff’s motion [16] for summary judgment is hereby **GRANTED IN-PART** insofar as the Department of Defense must promptly produce the non-exempt responsive documents and an accompanying Vaughn index by a fixed date. However, plaintiff’s motion [16] is **DENIED IN-PART** insofar as he requests this Court order the Government to conduct another search or compel the production of the entirety of the documents immediately. It is therefore **ORDERED** that defendant shall promptly produce a sample of the reviewed, non-exempt, responsive documents already marked for release and an accompanying Vaughan index as outlined in the accompanying memorandum opinion.

It is further **ORDERED** that defendant’s motion [22] is hereby **DENIED**.

It is further **ORDERED** that defendant's motion [22] in the alternative for an *Open America* stay is hereby **GRANTED**.

It is further **ORDERED** that the parties shall meet and confer to arrange a rolling, semi-annual production schedule for responsive, non-exempt documents.

It is further **ORDERED** that defendant shall be required to produce responsive documents, as well as accompanying Vaughn indexes, on a semi-annual basis. The first date of release shall be 90 days from the filing of this Order, unless the parties agree to a separate schedule following their conference.

It is further **ORDERED** that, in addition to providing the sample described above, defendant shall produce all previously withheld, non-exempt, responsive documents already marked for release, and an accompanying Vaughn index, within 90 days of the filing of this Order.

**It is so ORDERED.**

DATE: 8/2/17



Royce C. Lamberth  
United States District Judge