

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOHN EAKIN

Plaintiff,

v.

UNITED STATES  
DEPARTMENT OF DEFENSE

Defendant

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CIVIL NO. SA-16-cv-0972-RCL

**ORDER**

On this day, came on for consideration Plaintiff's Opposed Motion for Clarification and to Compel Production of Documents.

The Court having reviewed said Motion, finds that the Motion should be, and hereby is, GRANTED.

The Order of this Court dated August 2, 2017 is amended to include the following:

"Responsive, non-exempt documents" are defined as those requested documents digitized in bulk by government contractors. "Previously withheld, non-exempt, responsive documents" are those previously released to any FOIA requester or those files subject to inclusion in an agency electronic reading room under FOIA section (a)(2). These are files digitized by Defendant in the normal course of business when requested by either a government or FOIA requester and are distinct from those produced under contract to the government. The later class of documents are immediately releasable to Plaintiff without further review.

It is further **ORDERED** that defendant shall produce documents to Plaintiff in a searchable .pdf file format.

It is further **ORDERED** that defendant shall use electronic means to review and redact any exempt documents and that all such review will be completed within sixty (60) days from the date of this Order.

It is further **ORDERED** that Defendant shall produce additional contract documents suspending the requirement to run the files through optical character recognition software if such documents exist or shall otherwise explain such contract non-conformity.

It is further **ORDERED** that Defendant shall produce additional scanning contract documents providing for digitization of less than approximately 442,000 files or less than all WWII Individual Deceased Personnel Files if such documents exist or otherwise shall explain such contract non-conformity.

It is further **ORDERED** that Defendant shall not redact non-exempt embedded documents and shall provide a Vaughn Index of all documents not produced to Plaintiff after review.

**It is so ORDERED.**

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2018

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DISTRICT JUDGE

