

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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No. SA-16-CV-972-RCL

**JOINT MOTION FOR ENTRY OF SCHEDULING ORDER**

The parties jointly request that the Court enter the proposed scheduling order attached to this motion. The Court granted an *Open America* stay in this Freedom of Information Act (FOIA) case until July 8, 2023, and ordered the Department of Defense (DOD) to make productions of responsive documents to Plaintiff in the interim. DOD anticipates making its final production before the July 8 deadline. Once DOD’s production is complete, the parties intend to work in good faith to resolve any remaining disputes before seeking the Court’s intervention. To that end, the parties request entry of the attached briefing schedule, which gives them an opportunity to narrow the issues in dispute before bringing dispositive motions.

Good cause exists to enter the parties’ proposed order. “A district court has inherent power to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *United States v. Colomb*, 419 F.3d 292, 299 (5th Cir. 2005) (cleaned up). And because “[s]ummary judgment resolves most FOIA cases,” *Cooper Cameron Corp. v Dep’t of Labor*, 280 F.3d 539, 543 (5th Cir. 2002), the parties believe that a briefing schedule setting deadlines for such motions is the most efficient way to address any remaining issues following the expiration of the *Open America* stay.

WHEREFORE, the parties respectfully request that the Court enter the proposed scheduling order attached to this motion.

Dated: May 31, 2023

Respectfully submitted,

/s/ John Eakin (with permission)

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